

Cherokee Community School District
AFFIRMATIVE ACTION PLAN
2019-2021



“Empowering Learners”

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EQUAL EMPLOYMENT OPPORTUNITY POLICY

This is to affirm Cherokee Community Schools policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof.

Our organization will not discriminate against or harass any employee or applicant for employment because of 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.

Our Affirmative Action practices ensure all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training. We will provide reasonable accommodation to applicants and employees with disabilities.

Cherokee Community Schools will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. In addition, all other employees are expected to perform their job responsibilities in a manner that supports equal employment opportunity for all.

I have appointed, myself, Kimberly Lingenfelter, Superintendent to coordinate the Equal Employment Opportunity Program. Responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. I will complete and review reports on the progress of the program. Any employee or applicant may inspect our Affirmative Action Program during normal business hours by contacting the Central Office.

If any employee or applicant for employment believes he or she has been treated in a way that violates this policy, they should contact either Kimberly Lingenfelter, 600 West Bluff Street, Cherokee, Iowa 51012, (712) 225-6767, or any other representative of administration. Responsible parties will investigate allegations of discrimination or harassment as confidentially and promptly as possible, and we will take appropriate action in response to these investigations.

Kimberly Lingenfelter, Superintendent of School
Cherokee Community Schools

Date

ASSIGNMENT OF RESPONSIBILITY FOR AFFIRMATIVE ACTION PROGRAM

Kimberly Lingenfelter, Superintendent is designated as EEO/AA coordinator to monitor all employment activity to ensure that our EEO/AA policies are being carried out. The EEO/AA coordinator will be given the necessary support and staffing to fulfill the duties of the position. Those duties include, but are not limited to, the following:

1. Develop our EEO/AA policy statement and Affirmative Action Plan/Program, so that it is consistent with our policies, and so that it establishes our affirmative action goals and objectives.
2. Implement the Affirmative Action Plan/Program including internal and external dissemination of our EEO/AA policies and plan.
3. Conduct and/or coordinate EEO/AA training and orientation.
4. Ensure that our principals and supervisors understand it is their responsibility to take action to prevent the harassment of employees and applicants for employment.
5. Ensure that all minority, female, and disabled employees are provided equal opportunity as it relates to organization-sponsored training programs, recreational/social activities, benefit plans, pay, and other working conditions.
6. Implement and maintain EEO audit, reporting, and record-keeping systems in order to measure the effectiveness of our Affirmative Action Plan/Program and to determine whether our goals and objectives have been attained.
7. Coordinate the implementation of necessary affirmative action to meet compliance requirements and goals.
8. Serve as liaison between our organization and relevant governmental enforcement agencies.
9. Coordinate the recruitment and employment of women, minorities, and people with disabilities, and coordinate the recruitment and utilization of businesses owned by women, minorities, and people with disabilities.
10. Coordinate employee and school district support of community action programs that may lead to the full employment of women, minorities, and people with disabilities.
11. Receive, investigate, and attempt to resolve all EEO complaints.
12. Keep informed of the latest developments in the area of EEO.

DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN

A. Internal Dissemination

1. Our policy statement and non-discrimination posters will be permanently posted and conspicuously displayed in building offices and teacher lounges.
2. Our EEO/AA policy statement will be communicated to our employees in the same manner that other major personnel policies or decisions are communicated.
3. Our EEO/AA policies will be included in our policy manual or employee handbook.
4. Our policy will be made available to all employees including part-time, temporary or seasonal employees.
5. We will review our EEO/AA policies at least every two years with the administrative cabinet.

B. External Dissemination

1. As needed, we will notify all subcontractors, vendors, and suppliers of our EEO/AA policy and project goals, requiring supportive action on their part.
2. We will notify all recruitment sources of our EEO/AA policies, and we will encourage them to assist us in achieving our affirmative action objectives by actively recruiting and referring women, minorities, and people with disabilities.
3. We will include the statement "Equal Opportunity Employer" or "Affirmative Action Employer" on advertisements recruiting employees, on employment applications, and on our school district's website, if we post job opportunities on our website.

QUANTITATIVE WORKFORCE ANALYSIS

Cherokee Community School District Employee Composition: CCSD had 188 employees on contracted payroll during the 2019-2020 school year. The composition of Cherokee Community School District's employees, according to job group, was as follows:

Job Group	Females	Males	Total
Administration	2	2	4
Certified Staff+IC	66	17	83
School Business Official	1	0	1
Directors: Food, Bus, Maint.	1	2	3
Paras/Library Associates	40	2	42
Custodians/Maintenance	1	8	9
Transportation	2	6	8
Technology Director + Assist.	0	2	2
Food Service Dept.	15	0	15
Administrative Support	4	0	4
Administrative District Assistants	2	0	2
Coaches (only)	5	11	16
Total	139	50	189

Of 188 CCSD employees, 73% percent are female and 36% are male.

Relevant Labor Market

Relevant labor market was determined by using both Iowa Workforce Development's Labor Market Information Services and United States Census Bureau's Quick Facts. Gender, administration, and certified staff were compared to Iowa percentages, and all other categories were compared to Cherokee County percentages.

Gender

The chart below compares Cherokee Community School District's gender percentages to the percent of female and male workers presented in the Iowa Workforce Information Network's *Affirmative Action Data 2012 for Cherokee County*

(http://iwin.iwd.state.ia.us/iowa/ArticleReader?itemid=00003926&segmentid=0001&tour=0&p_date=1). Also included on the chart is whether each specific job groups were determined to be under represented (more than a 5% difference) between the gender make-up of the job group in the Cherokee Community School system and Cherokee County and Iowa workforce availability.

Relevant Labor Market - Gender

Job Group	Gender	Number	% of Total CCSD Employees in the Category	% Available	Under Represented (Y or N)
Administration	Female	2	50%	29.2%	N
	Male	2	50%	70.8%	N
Professionals-Certified Staff	Female	65	73%	60%	N
	Male	16	27%	40%	Y
Professionals-Supervisors	Female	1	25%	60%	Y
	Male	3	75%	40%	N
Administrative Support-Associates	Female	28	97%	69.1%	N
	Male	1	3%	30.9%	Y
Skilled-Custodians	Female	0	0%	2.5%	Y
	Male	8	100%	97.5	N
Service-Bus Drivers	Female	3	37%	42.5%	Y
	Male	5	63%	57.5%	N
Service-Food Service	Female	13	98%	42.5%	N
	Male	1	2%	57.5%	Y
Administrative Support-Secretary	Female	7	100%	69.1%	N
	Male	0	0%	30.9%	Y

Minority Groups

During the 2019-2020 school year, there were two Cherokee Community School employees of minority status; equating to .01% of total employees. According to information obtained from the United States Census Bureau (<http://quickfacts.census.gov/qfd/states/19000.html>), 3.1% of Cherokee workforce and 8.2% of the State of Iowa workforce consists of people of minority status.

Identification of Problem Areas

Minority: All job groups are underrepresented in regard to minority employees.

Gender: Males are underrepresented according to Iowa Workforce Information, Cherokee County United States Census Bureau, Quick Facts July 1, 2018 (http://iwin.iwd.state.ia.us/iowa/ArticleReader?itemid=00003926&segmentid=0001&tour=0&p_date=1). Cherokee County labor force has a 49.8 % representation of males while Cherokee Community Schools has 27% of its job force comprised of males.

When Cherokee Community Schools' job groups are analyzed separately, females are underrepresented in custodial, transportation, Coach (only), and supervisor job groups. Males are underrepresented within certified staff, associates, cooks, and clerical staff.

Action Steps to Increase Minority and Gender Representation in Identified Job Groups

The region surrounding Cherokee, Iowa, has a small number of minority personnel to fill job vacancies. The same holds true for job classifications in which the number of female employee numbers are low. It is a goal of Cherokee Community Schools to improve balance within the identified underrepresented job groups by advertising for positions in local, regional, and state markets for pertinent positions.

Long Range Numerical Goals

The following long-range goals will be focused upon by the Cherokee Community School District as positions become available:

Increase the number of minority employees by two in order for Cherokee Community School District's minority employee composition to make a realistic progression toward equating the minority composition of Cherokee (3.1 %).

Increase the number of male certified staff by five employees in order for Cherokee Community Schools to make reasonable gain in composition to be within 5% of required Iowa workforce availability range (27%). This is in accordance to data attained through the Iowa Workforce Information Network's Affirmative Action Data.

Increase the number of male associates by two in order to increase composition. This will provide a realistic progression toward meeting the required 5% range of workforce availability as compared to Cherokee County (43%), as presented by the Iowa Labor Market Information Services.

Increase the number of male food service by one-two in order for Cherokee Community Schools' composition to make realistic gains toward the acceptable workforce availability range for Cherokee County (42.5%), as presented by the Iowa Labor Market Information Services.

Increase the number of male clerical workers by one in order for Cherokee Community Schools' composition (0%) to make realistic gains toward the acceptable workforce availability range for Cherokee County (19%), as presented by the Iowa Labor Market Information Services.

QUALITATIVE WORKFORCE ANALYSIS

The following questions provided by the Iowa Association of School Boards provided the means by which Cherokee Community Schools determined if it had any policies or practices causing the underrepresentation of minorities or females. The Cherokee CSD administration analyzed practices and policies using the following categories of questions:

◆ Recruitment

1. Is word of mouth recruitment the only method used for some or all positions?
2. Is a record maintained of advertisements used for the various types of positions?
3. Do advertisements include an equal opportunity statement?
4. Are referral sources, such as placement officers of educational institutions and employment agencies, notified of the equal opportunity and affirmative action policies?
5. Do applicants receive a copy of the affirmative action policy statement?
6. Do organizations that assist in recruitment have policies or practices that will form a barrier to equal opportunity for their clients?
7. Have vacancies been listed with appropriate agencies, placement office and news media?
8. Do job descriptions exist for all major job classifications?
9. Are job descriptions supplied to applicants?

Recruitment Summary: Job descriptions do exist for job groups.

Recruitment Goal: Job descriptions for all job groups will be provided to applicants.

◆ Hiring and Selection Criteria and Practices

1. Are applicants notified of the equal employment opportunity and affirmative action policies?
2. Are application forms used?
3. Do all applicants complete an application form?
4. Do these application forms include a statement of equal opportunity?
5. Are the application forms free of illegal inquiries?
6. Are job description criteria considered during hiring?
7. Are the job descriptions accurate, explaining the actual functions and duties?
8. Are the job descriptions gender-neutral?
9. Is the interview process free of illegal inquiries?
10. Is the interview process structured to guarantee fairness to all applicants?
11. Do all individuals who are involved in conducting interviews receive training on appropriate inquiries?
12. Are interview questions restricted to job-related information?
13. In a salary step system does the decision as to initial placement on the "step" have an impermissible relationship to race, sex, or disability, as shown by actual placement over time?
14. Is the affirmative action plan considered each time when dealing with a job category where underrepresentation exists?
15. Are there written criteria for determining which applicants will be interviewed established before recruitment begins?

Hiring and Selection Criteria and Practices Summary:

The affirmative action plan has been considered when dealing with a job group where underrepresentation exists.

Hiring and Selection Criteria and Practices Goal: The affirmative action plan will continue to be considered within the hiring process.

❖ **Promotion, Transfer and Collective Bargaining Agreement**

1. Are notices posted for all positions when vacancies occur?
2. Are impermissible factors such as race, color, national origin, religion, gender, age, sexual orientation, gender identity, disability or marital status considered in promotion or transfer decisions?
3. Are personnel who are involved in recruiting, selection, promotion, evaluation and related processes selected and trained to ensure elimination of bias in personnel actions?
4. Is there a special effort to include women and minorities in the group being considered for promotion or transfer?
5. Is there a mentoring of staff assistance process in use?
6. Have efforts been made to use mixed criteria consistent with any bargaining agreements rather than straight seniority in promotions, transfers and staff reductions?

Promotion, Transfer and Collective Bargaining Agreement Summary:

No issues of concern were identified in terms of promotion, transfer and collective bargaining agreement.

❖ **Demotions, Terminations, Layoffs, and Recall Criteria and Practices**

1. Are objective criteria used in making demotion, termination or layoff decisions?
2. Are the evaluation records of employees reviewed when these types of decisions are made?

Demotions, Terminations, Layoffs, and Recall Criteria and Practices Summary:

The negotiated master contract provides the objective criteria used for termination and layoff decisions.

❖ **Working Conditions and Compensation**

1. Is there an employee evaluation system?
2. Is the temporary disability related to pregnancy treated the same, in practice, as other temporary disabilities?
3. Does the application of the salary schedule/pay scale result in discrimination on the basis of race, color, national origin, religion, gender, age, sexual orientation, gender identity, disability or marital status?
4. Is the board policy on affirmative action distributed to employees annually?
5. Is the cost to the employees for insurance and insurance coverage the same for male and female employees?
6. Are the costs to the employees and benefits of pension plans equitable for men and women?
7. Have steps been taken to ensure that harassment of employees based upon gender, race, national origin, religion, age, sexual orientation, gender identity or disability does not occur?
8. Are assignments of staff members to supplemental and extracurricular duties made on an equitable basis?
9. Are exit interviews held?

Working Conditions and Compensation Summary:

Cherokee Community Schools Board of Education has adopted a policy to insure that harassment does not occur for any protected class. A copy of this policy is included within this plan.

❖ **Complaint Procedures**

1. Does the affirmative action policy contain a complaint process?
2. Are employees notified of their right to seek redress from government agencies such as the Iowa Civil Rights Commission?
3. Are discrimination complaint records kept?

Complaint Procedures Summary:

Cherokee Community Schools Board of Education has adopted a grievance procedure. The grievance procedure is included in the plan. The grievance procedure does notify employees of their rights to seek assistance from state and federal Civil Rights Commission.

INTERNAL MONITORING AND REPORTING

The Superintendent has the responsibility for developing and preparing the formal documents of the Affirmative Action Plan. The Superintendent is responsible for the effective implementation of the Affirmative Action Plan; however, responsibility is likewise vested with each building principal and supervisor. Cherokee Community Schools' compliance process is designed to:

- Monitor the effectiveness of the AAP/EEO program;
- Monitor records of all personnel activities, including referrals, placements, transfers, promotions, terminations and compensation at all levels;
- Identify problem areas where remedial action is needed
- Determine the degree to which AAP goals and objectives have been obtained;
- Review results with all building principals and supervisors;
- Advise the Superintendent of Schools of program effectiveness and submit recommendations for improvement.

The following documents will be maintained as a component of Cherokee Community Schools internal audit process:

1. An applicant flow log showing the name, race, gender, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
2. Summary data of external hires, promotion, resignation, and terminations by job group and by gender and minority group identification;
3. Summary data of applicant flow by identifying, at least, total applications, total minority applicants, and total female applicants for each position;
4. Maintenance of employment applications (not to exceed two years); and
5. Records pertaining to Cherokee Community Schools' compensation system.

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 students, school employees, and 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 age, socioeconomic status, marital status, 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 up to, and including, 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 up to, and including, 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 up to, and including, exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

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.

"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.

ANTI-BULLYING/HARASSMENT POLICY

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

- Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.

Sexual harassment 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 by a school employee 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.

ANTI-BULLYING/HARASSMENT POLICY

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The superintendent or designee will be responsible for handling all complaints by students alleging bullying or harassment. The superintendent or designee will be responsible for handling all complaints by employees alleging bullying or 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 board. The superintendent shall report to the board on the progress of reducing bullying and harassment in the board.

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) _____,

and a copy shall be made to any person at the central administrative office at (street address).

Legal References: 20 U.S.C. §§ 1221-1234i (2004).
 29 U.S.C. § 794 (1994).
 42 U.S.C. §§ 2000d-2000d-7 (2004).
 42 U.S.C. §§ 12001 *et. seq.* (2004).
 Senate File 61, 1st Regular Session, 82nd General Assembly, (2007).
 Iowa Code §§ 216.9; 280.3 (2007).
 281 I.A.C. 12.3(6).

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

A copy of the policy and procedures shall be made available to any person at the central administrative office at: 600 West Bluff Street, Cherokee, Iowa 51012

Code No. 104.E2

WITNESS DISCLOSURE FORM

Name of Witness:	_____
Date of interview:	_____
Date of initial complaint:	_____
Name of Complainant (include whether the Complainant is a student or employee):	_____ _____
Date and place of alleged incident(s):	_____ _____ _____

Nature of discrimination, harassment, or bullying 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"/>	
<input type="checkbox"/>	National Origin/Ethnic Background/Ancstry	<input type="checkbox"/>	Religion/Creed	<input type="checkbox"/>	

Description of incident witnessed: _____

Additional information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Code No. 104.E3

DISPOSITION OF COMPLAINT FORM

Date:	_____
Date of initial complaint:	_____
Name of Complainant (include whether the Complainant is a student or employee):	_____ _____
Date and place of alleged incident(s):	_____ _____
Name of Respondent (include whether the Respondent is a student or employee):	_____ _____

Nature of discrimination, harassment, or bullying alleged (check all that apply):

	Age		Physical Attribute		Sex
	Disability		Physical/Mental Ability		Sexual Orientation
	Familial Status		Political Belief		Socio-economic Background
	Gender Identity		Political Party Preference		Other – Please Specify:
	Marital Status		Race/Color		
	National Origin/Ethnic Background/Ancstry		Religion/Creed		

Summary of Investigation: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Code No. 104R.1

ANTI-BULLYING/ANTI-HARASSMENT INVESTIGATION PROCEDURES

The Cherokee 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. (1) Places the student in reasonable fear of harm to the student’s person or property.
 2. (2) Has a substantial detrimental effect on the student’s physical or mental health.
 3. (3) Has the effect of substantially interfering with a student’s academic performance.
 4. (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 five (5) 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.

Investigation

The school district will promptly and reasonably investigate allegations of bullying or harassment. The superintendent or the superintendent's designee (hereinafter "Investigator") will be responsible for handling all complaints alleging bullying or harassment.

If the Complainant is under 18 years of age, the Investigator 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 (hereinafter "Respondent") to provide a written statement;*
- • *A request for witnesses identified during the course of the investigation to provide a written statement; and*
- • *Review and collection of documentation or information deemed relevant to the investigation.*

The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes bullying or harassment. Upon completion of the investigation, the Investigator shall issue a report with respect to the findings.

Decision

If, after an investigation, a student is found to be in violation of the 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 and/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.

CHEROKEE COMMUNITY SCHOOL DISTRICT

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

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, 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 – Equity Coordinator

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 Equity Coordinator. 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 10 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 Equity Coordinator. A minor student may be accompanied at that meeting by a parent or guardian. The Equity Coordinator will investigate the complaint and attempt to resolve it. A written report from the Equity Coordinator regarding action taken will be sent to the involved parties within a reasonable time after receipt of the complaint.

Level Three - Superintendent

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 Equity Coordinator, 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.

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 the 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 Equity Coordinator is:

Name Kimberly Lingenfelter

Office Address 600 West Bluff Street, Cherokee, Iowa 51012

Phone Number 712-225-6767

Office Hours 8:00 am to 4:30 pm

GRIEVANCE FORM FOR COMPLAINTS OF DISCRIMINATION OR NON-COMPLIANCE WITH FEDERAL OR STATE REGULATIONS REQUIRING NON-DISCRIMINATION

I, _____, am filing this grievance because

(Attach additional sheets if necessary)

Describe incident or occurrence as accurately as possible:

(Attach additional sheets if necessary)

Signature _____

Address _____

Phone Number _____

If student, name _____ Grade Level _____

Attendance center _____

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 _____

Cherokee Community School District's Non Discrimination Statement

The Cherokee Community School District will not engage in any illegal discrimination on the basis of race, color, national origin, religion, gender, age, sexual orientation, gender identity, disability, and marital status in its educational programs, activities or employment policies and practices.

EQUITY EDUCATIONAL OPPORTUNITY

Code No. 102

It is the policy of the Cherokee 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 the office of the superintendent, 600 West Bluff Street, Cherokee, Iowa 51012, 712-225-6767

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.

Legal Reference:

20 U.S.C. §§ 1221 et seq.
20 U.S.C. §§ 1681 et seq.
20 U.S.C. §§ 1701 et seq.
42 U.S.C. §§ 2000d and 2000e.
42 U.S.C. §§ 12101 et seq.
Iowa Code §§ 216.6; 216.9; 256.11; 280.3.
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

Questions or complaints alleging illegal discrimination on the basis of gender should be directed to the district's Title IX and Multicultural Gender Fair Coordinator – Kimberly Lingenfelter, Superintendent, 600 West Bluff Street, Cherokee, IA 51012, phone 712-225-6767.

Inquires or complaints may also be directed to the Iowa Civil Rights Commission in Des Moines, IA, or to Region VII Office of Civil Rights, Education Division, Kansas City, Missouri.

CHEROKEE COMMUNITY SCHOOLS AFFIRMATIVE ACTION GOALS

SHORT TERM GOALS

The following short term goals have been established by Cherokee Community Schools to be accomplished before the next revision of the affirmative action plan:

1. **Recruitment Goal:** As needed, we will notify all subcontractors of our EEO/AA policy and project goals, requiring supportive action on their part.

Person Responsible – Superintendent

2. **Hiring and Selection Criteria and Practices Goal:** The affirmative action plan will continue to be considered within the hiring process, for all positions.

LONG TERM GOALS

The following long range goals will be focused upon as positions become available:

1. Increase the number of minority employees by two in order for Cherokee Community School District's minority employee composition to make a realistic progression toward equating the minority composition of Cherokee (3.1%)
2. Increase the number of male certified staff by five employees in order for Cherokee Community Schools to make reasonable gain in composition to be within 5% of required Iowa workforce availability range (40%). This is in accordance to data attained through the Iowa Workforce Information Network's Affirmative Action Data.
3. Increase the number of male associates by two in order to increase composition. This will provide a realistic progression toward meeting the required 5% range of workforce availability as compared to Cherokee County (30.9%), as presented by the Iowa Labor Market Information Services.
4. Increase the number of male food service workers by two in order for Cherokee Community Schools' composition to make realistic gains toward the acceptable workforce availability range for Cherokee County (57.5%), as presented by the Iowa Labor Market Information Services.
5. Increase the number of male clerical workers by one in order for Cherokee Community Schools' composition (0%) to make realistic gains toward the acceptable workforce availability range for Cherokee County (30.9%), as presented by the Iowa Labor Market Information Services.