

**Fairfield CSD Equal Employment
Opportunity/Affirmative
Action Program**

Fairfield Community School District
Fairfield, Iowa

July 2017

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Fairfield Community School District

Equal Employment Opportunity/Affirmative Action Program

Fairfield Community School District has developed an equal employment opportunity/affirmative action program to reflect its moral, ethical, and legal commitment to equity in employment activities and in educational services. The district's EEO/AA plan serves as an assurance to students, employees, and to the larger community of Fairfield Community School District's efforts to comply with local, state and federal regulations requiring equal employment opportunity, equal educational opportunity, and affirmative action. It is designed to support affirmative action practices that advance the representation and utilization of protected class members. It is not intended to be an end product, but rather an indication of an ongoing process toward accomplishing objectives and resolving conflict related to employment and educational equity within the school district.

Fairfield Community School District

Equal Employment Opportunity/Affirmative Action Program

Fairfield Community School District declares and affirms to its students, employees, and to the public that it does not discriminate on the basis of sex, race, age, color, creed, national origin, religion, marital status, sexual orientation, gender identity, physical appearance, personality traits and/or disability in its educational programs, activities, admission procedures, or employment practices. The Fairfield Community School District affirms its commitment to comply with all applicable federal and state laws, regulations, and orders.

To assure that equal opportunity and non-discriminatory behavior is afforded to all students, employees, and applicants, Fairfield Community School District recognizes the need for, and the implementation of, an Equal Employment Opportunity/Affirmative Action plan.

Legal References: (Code of Iowa)

Title VI, Title VII, Civil Rights Act of 1964 (as amended by the EEO Act, 1972); Executive Order 11246 as amended by Exec. Order 11375, Equal Pay Act, 1963; Age Discrimination in Employment Act, 1967 (as amended); Title IX of the Educational Amendments of 1972, Section 503, 504 of the Rehabilitation Act of 1973 (as amended); Section 402 of the Vietnam Veterans Readjustment Assistance Act, Americans with Disabilities Act of 1990, Civil Rights Act of 1991, Chapter 216, Iowa State Code, Executive Order 15, Chapter 69 of the Cedar Rapids Municipal Code (ordinance 25-94).

Date of –

Adoption: November 15, 2007

Administration of the Program

The Superintendent, as well as all principals and employees, is charged with the responsibility for supporting and complying with equal opportunity/affirmative action principles.

Responsibility of the Superintendent

The Superintendent has ultimate responsibility for the administration of the EEO/AA program. The support for and commitment to equal opportunity in all facets of the district lies within the Office of the Superintendent. Under the direction of the Superintendent, staff members assume specific responsibilities for maintaining procedures in compliance with all relevant federal and state equal opportunity/affirmative action legislation.

The Superintendent is also responsible for insuring compliance with legal mandates for equal employment opportunity/affirmative action that are applicable to the district personnel. Such responsibilities include the review and revision of employment practices and procedures to comply with current employment legislation and with the policies of the Board of Education. The Superintendent maintains a system which monitors all recruitment, selection, and placement procedures to insure that non-discriminatory practices are being exercised. The Superintendent gives fair and impartial consideration to all requests and recommendations for employment actions to be processed through that office.

Responsibility of Administrative and Supervisory Personnel

All members of the administrative and supervisory staff will be familiar with equal employment opportunity/affirmative action guidelines, policies, and procedures as they affect employment activities within their departments/buildings. They exercise their supervisory responsibility to insure that persons under their direction are treated in an equitable manner, without regard to sex, race, age, color, creed, national origin, religion, marital status, sexual orientation, gender identity or disability. Administrative and supervisory staff members assist with the district's EEO/AA program throughout the recruitment and selection process, and in any other employment actions or recommendations involving district personnel. It is also the responsibility of administrative and supervisory staff to keep the EEO/AA Officer informed of any complaints or incidents of a discriminatory nature of which they become aware.

Responsibility of the EEO/AA Officer

The district superintendent serves as the EEO/AA Officer and is responsible for the review, continued development, and coordination of the EEO/AA Program. The EEO/AA Officer provides assistance to administrative and supervisory personnel in the continuous effort to afford equal opportunity to all segments of the Fairfield Community School. The EEO/AA Officer assists in the identification of problem areas and monitors steps to alleviate inequitable conditions and situations as they might arise. The EEO/AA Officer serves as a liaison with external civil rights agencies and processes internal discrimination complaints in an effort to resolve them at the local EEO/AA program level. The EEO/AA Officer is involved in recruitment, selection, and other personnel activities to insure the equitable treatment of all applicants and employees.

Officer: Dr. Laurie Noll, Superintendent
Fairfield Community Schools-ACT
Fairfield, IA 52556
Ph. 641-472-2655

School Improvement Advisory Committee

The Curriculum Director, as chair of the School Improvement Advisory Committee, will provide an annual review of the district's EEO/AA Plan. Community input, through the School Improvement Advisory Committee, will be sought in the periodic review, development, and coordination of the EEO/AA Program. Results from this periodic review of the district's EEO/AA Plan, recommendations, additions, and/or revisions will be presented to the Fairfield Community School District Board of Directors.

Program Goals and Activities

- Provide updated EEO/AA information to supervisory and administrative personnel.
- Review all negotiated agreements and revise as needed.
- Review discrimination/sexual harassment policies and procedures with new employees.
- Perform all recordkeeping functions such as job applicant data and current work force data.
- Provide EEO/AA information to all administrators and their search committees.

Discrimination and Sexual Harassment Complaint Process

All Fairfield Community School employees and students who feel they have been denied equal opportunity on the basis of sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender identity, or disability may seek remedy through an internal complaint process. This process also pertains to those who feel they have been the subjects of sexual harassment. The district assures that full cooperation will be provided to any individual filing a complaint with no threat of penalty or reprisal to the complainant. If the complaint involves alleged discriminatory or harassing behavior by the EEO/AA Officer, the district's curriculum Director, Marci Dunlap, should be contacted in lieu of the EEO/AA Officer wherever referenced in the following procedures.

Informal Inquiry

Individuals are encouraged to make informal inquiry to their immediate supervisor, teacher, or counselor as soon as possible following the date of occurrence of the event giving rise to the complaint communication. The staff member contacted will report the incident to the building administrator for purposes of documentation and advice regarding the necessary steps of the complaint process. Every effort should be made to resolve the conflict at this time. If this is not possible, the individual will be referred to the EEO/AA Officer.

Fairfield Community School District GRIEVANCE PROCEDURES

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, 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, 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.

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:

Name Curriculum Director

Office Address 403 South 20th Street, Fairfield, IA 52556-4243

Phone Number 641-472-2655

Office Hours 8:00 a.m. – 4:30 p.m.

Definition of Sexual Harassment

Faculty, staff, and students at Fairfield Community School District have a right to be free from sexual harassment in the Fairfield Community School environment. Fairfield Community School does not condone actions and words that a reasonable person would regard as sexually harassing or coercive.

Definition

Sexual harassment encompasses any sexual attention, from either gender, that is unwanted, and is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission is made an express or implied term or condition of employment or status in a class, program, or activity;
- submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, promotion, or grade a course);
- the conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creates an intimidating, hostile, or offensive environment for work or learning, including harassment in the Fairfield Community School environment from an outside party, such as a vendor.

Sexual harassment may take many forms, for example:

- physical assault
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, or grades
- direct propositions of a sexual nature
- comments of a sexual nature
- sexually explicit statements, questions, jokes, or anecdotes
- unnecessary touching, patting, hugging, or brushing against a person's body
- remarks of a sexual nature about a person's clothing, body, about sexual activity, or about previous sexual experience

Students, faculty, and staff need to be concerned not only with the intent of their actions of this kind but also the effects; while sexual harassment involves repeated, unwanted sexual attention, persons involved in isolated or inadvertent incidents demonstrate an insensitivity toward others. Repeated occurrences will be considered intentional violations of the policy.

Employment Activities

All Fairfield Community School personnel who recruit, interview, select, and make recommendations for employment, and employment actions such as training, promotion, performance appraisal, reassignment, disciplinary action, or discharge are required to adhere to the policies of the Board of Education.

- **Recruitment** - Fairfield Community School demonstrates its commitment to affirmative action by practicing recruitment techniques designed to encourage employment applications from under-represented groups and by providing equal opportunity for all members of the community.
- **Selection and Placement** – No employee, prospective employee, or student shall be discriminated against in the selection or placement process because of sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender identity or disability (except when a bona fide occupational qualification is proven to exist). Employment decisions are based solely upon the qualifications of the individual applicant.
- **Transfer, Promotion, Reassignment** – Employment actions involving transfer, promotion, and reassignment are based upon employee qualifications and the needs of the district, and in adherence to the policies established by the Board of Education. External and internal position openings are publicized throughout the district and all qualified employees are given the opportunity to make application for them.
- **Training and Development** – Experience related to job improvement or personal and professional growth. Employees are urged to participate in district-sponsored training programs and other educational experiences.
- **Compensation, Benefits, and Working Conditions** - Fairfield Community School complies with all relevant state and federal legislation concerning the administration of wage, salary, fringe benefits, working conditions, and other privileges associated with employment. Information regarding these conditions is continually compiled, updated, and reviewed and action taken to eliminate any inequities based upon an employee's sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender identity, or disability.

- **Disciplinary Action, Termination, and Reduction in Force** – In the event that disciplinary action, termination, or reduction in force become necessary, procedures for these actions do not differ on the basis of the employee’s sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender identity, or disability. Any such action or recommendation is reviewed by the EEO/AA Officer. Alternatives to such action are explored and given consideration. Termination or disciplinary action is not used as punishment or harassment against any employee who has filed a complaint of discrimination against the school district.

EQUAL EDUCATIONAL OPPORTUNITY

The board will not discriminate in its educational activities on the basis of: race, color, national origin, 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, religion, sex, marital status, national origin, 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.

Legal Reference: 20 U.S.C. §§ 1221 et seq. (2004).

20 U.S.C. §§ 1681 et seq. (2004).

20 U.S.C. §§ 1701 et seq. (2004).

29 U.S.C. § 794 (2004).

42 U.S.C. §§ 12101 et seq. (2004).

34 C.F.R. Pt. 100 (2004).

34 C.F.R. Pt. 104 (2004).

Iowa Code §§ 216.9; 256.11, .11A; 280.3 (2007).

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: Dec. 16, 1996

Reviewed: July 20, 2007, Jan. 12, 2009, June 14, 2010

Revised: Aug. 13, 2007, Feb. 9, 2009, **July 12, 2010**

Dissemination

- **Procedure** – This Equal Employment Opportunity/Affirmative Action Program document will be posted on www.fairfieldsfuture.org. It will also be distributed electronically each spring to administrators during the hiring season. The District EEO/AA policy statement will be included in all major publications.

Glossary

Equal Employment Opportunity/Affirmative Action Team

Affirmative Action – The legal necessity to maintain a recruitment and employment program that will affect a change in staffing patterns; an attempt to eliminate employment discrimination based upon sex, race, age, creed, color, national origin, religion, or disability.

BFOQ (Bona Fide Occupational Qualification) – It may be lawful to make an employment decision based upon an otherwise prohibited criteria if that qualification (BFOQ) is reasonably necessary to the normal operation of that particular business.

Compliance – Adherence to applicable equal employment opportunity or affirmative action regulations, and establishing methods for carrying out their requirements.

Disability (Handicap) – (1) Having a physical or mental impairment that substantially limits one or more of major life activities; (2) Having a record of such impairment; or (3) Being regarded as having such an impairment. Discrimination is present if employment is denied an individual based on existence of the handicap where the handicap is unrelated to the individual's ability to perform in that particular occupation.

Discrimination – Illegal treatment of a person or group of persons based upon their sex, race, age, creed, color, national origin, religion, or disability; also failure to remedy the effects of past discrimination.

Equal Employment Opportunity – The legal necessity to maintain programs to insure fair and equitable treatment of all employees and applicants regardless of sex, race, age, creed, color, national origin, religion, marital status, or disability.

Good Faith Efforts – Those actions required by affirmative action legislation and those an employer adopts voluntarily to achieve compliance.

Job Classification – One or group of jobs having similar content, wage or salary, and career opportunities.

Minority – Persons who have identified themselves as American Indian or Alaskan Native, Asian or Pacific Islander, Black, or Hispanic.

Promotion – Any personnel action resulting in movement to a position affording higher pay, greater rank, and/or providing greater skill or opportunity to attain such.

Protected Classes – Those individuals whose employment and educational rights are specially addressed in local, state, and federal legislation based upon their past history of discrimination as a group (i.e. women, minorities, the elderly, and disabled).

Reasonable Accommodation – Alterations, adjustments, or changes in the job, the workplace, and/or term or condition of employment which will enable an otherwise qualified disabled individual to perform a particular job successfully.

Reassignment (Transfer) – A lateral move from one position to another without an accompanying salary increase.

Recruitment – An effort to inform and encourage qualified employees and potential employees of job vacancies within the district; an effort to encourage students and potential students into educational programs.

Resolution – An agreement or informal conciliation between an employer and employee (or student) who has filed a complaint of discrimination against said employer.

Reduction in Force – A reduction in the number of employees because of changes in institutional purposes or economic conditions affecting the district, including the loss of specific program enrollment.

Termination – Discontinuation of employment for cause.

Under representation/Underutilization – Employment of members of a sex, race, age, disabled, or ethnic group in a job classification at a rate below their availability in the work force (numerical disparity).

**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: _____

Reporter 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:

SECTION 504 STUDENT AND PARENTAL RIGHTS

The Fairfield 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:

Director of Curriculum
Fairfield Community School District
A.C.T. Center
403 South 20th Street
Fairfield, Iowa 52556-4243
(Telephone No. 641-472-2655)

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.

FAIRFIELD COMMUNITY SCHOOL DISTRICT BOARD POLICY