

Affirmative Action Plan

2020-21



Our Mission

To improve the learning outcomes and well-being of all children and youth by providing services and leadership in partnership with families, schools and communities.

Our Goals

- Increase learning **growth** for students
- Decrease the **gap** in achievement
- Increase annual **graduation** rates
- Increase **gateways** to post-secondary success



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Executive Summary

This Affirmative Action/Equal Employment Opportunity Plan is designed to meet the statutory planning and reporting requirements for Heartland Area Education Agency's (AEA) affirmative action and equal employment opportunity (EEO) efforts. This document outlines current quantitative and qualitative data and compares the quantitative data to external indicators. That data is then used to set both qualitative and quantitative goals for Dec. 30, 2022, when this plan will next be revised. The document is organized according to the key affirmative action/equal employment opportunity requirements found in Iowa Code 281—95.1(256).

The report outlines, in further detail, the following key findings:

Key Findings:

- Minorities are underrepresented on the Heartland AEA staff as compared to the general population and the student population in the state of Iowa.
- Agency-wide, gender equity is skewed towards female and more heavily in some employment groups than others.
- There is an increased percentage of minority employees in one of the Agency's four employment groups.

Goals:

- Increase the overall percentage of minority employees within the Agency from 3.59% to 4.41% by Dec. 30, 2022.
 - Increase the percentage of minority employees within the Certified Union group from 2.33% to 2.50% by Dec. 30, 2022.
 - Increase the percentage of minority employees within the Classified Union group from 6.98% to 8.14% by Dec. 30, 2022.
 - Increase the percentage of minority employees within the Certified Non-Union (management) group from 2.70% to 5.41% by Dec. 30, 2022.
 - Increase the percentage of minority employees within the Classified Non-Union group from 14.28% to 16.67% by Dec. 30, 2022.
- Increase the gender balance of employees within the Classified Union group from 16.28% male to 17.44% male by Dec. 30, 2022.
- Increase the gender balance of employees within the Certified Union group from 5.37% male to 5.54% male by Dec. 30, 2022.
- Work with the New York City Leadership Academy (NYCLA) to do an organizational equity audit.
- Convene an equity committee based on recommendations from NYCLA.
- Implement other recommendations based on NYCLA's equity audit.

Data current as of December 2020.

Administrative Statement

Code Reference: 95.5(2)

Administrative statement. An administrative statement on how the agency's equal employment opportunity and affirmative action policies and plans are to be implemented, including the internal system for auditing and reporting progress. The administrative statement shall be signed and dated by the chief executive officer of the agency.

The Value of Diversity at Heartland AEA

Affirmative action policies and programs are designed to ensure that qualified individuals have equal access to opportunity and are given a fair chance to contribute their talents and abilities. The fundamental purpose of affirmative action is to further equal opportunity and counter or prevent current discrimination. Importantly, affirmative action programs have a positive impact on all members of our society.

Heartland AEA embraces diversity and inclusion by seeking out and hiring those whose differences are reflected in a variety of forms including, but not limited to, race, culture, perspective, talent, interest, ability, gender, gender identity, sexual orientation, age, religion, language and socioeconomics. Our goal is for all employees to be able to engage and work effectively with others different from themselves, treating each other with respect and retaining employees who strive to meet this goal.

DIVERSITY of staff allows for opportunities for:

- Increased awareness of how to work with students, district staff and colleagues from various backgrounds.
- Better understanding of different cultures.
- Better problem solving.
- Varied ideas for programs and services.
- Increased productivity.
- Increased ability to attract diverse employees.

DIVERSITY of staff allows the Agency to:

- Provide resources/expertise in areas often ignored.
- Reflect/mirror the diverse stakeholders we serve.
- Broaden our collective knowledge base.
- Fruitfully challenge belief systems.
- Be more responsive to client and staff needs.
- Broaden our points of human contact with clients and colleagues.
- Enhance our capacity.

DIVERSITY lends itself to:

- Necessary adaptations.
- The knowledge of assumptions and stereotypes, ones even hidden from ourselves.
- Respecting others' life journeys.

Diversity Engagement Advisory Team 2020-21

The Agency has established a Diversity Engagement Advisory Team. The creation of this Team will ensure systemic input into the development and implementation of multicultural, gender-fair educational programs as well as equal employment/affirmative action programs. This Team advises the administration on the development and implementation of an equal employment opportunity/affirmative action program. The current members of the committee are the following:

- Annis Austin-Woods, *Regional Administrative Assistant*
- Nia Chiaramonte, *Director of Human Resources*
- Courtney Croatt, *Communications Specialist*
- Tuan Dao, *Senior Network Administrator*
- Brandie Gean, *Licensure & Conference Center Manager*
- Dustin Gean, *Operations Manager*
- Juliette Houseman, *Benefits Specialist*
- Carol McDaniel, *Central Office Administrative Assistant*
- Gilmara Mitchell, *Professional Learning & Leadership Consultant*

Equal Employment Opportunity

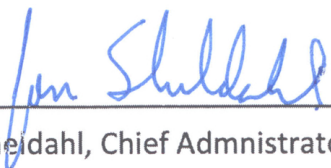
Heartland AEA is firmly committed to fostering equal employment opportunity. It is the policy of Heartland AEA to take affirmative action in the employment of qualified individuals in the underrepresented subgroups of minorities, women, individuals with disabilities and veterans. The Board of Directors has designated the position of Director of Human Resources as the Heartland AEA Affirmative Action and Equity Coordinator. This position is currently held by Nia Chiaramonte, Director of Human Resources, Heartland AEA, 6500 Corporate Drive, Johnston, IA 50131-1603.

Persons filing an application with Heartland AEA shall be given consideration for employment if they meet or exceed the qualifications set by the board of directors, administration and Iowa Department of Education for the position for which they apply. In employing Heartland AEA personnel, the board of directors shall consider the qualifications, credentials and records of the applicants without regard to race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status. Heartland AEA will hire individuals who meet or exceed position requirements, will consider the veteran status of applicants and will provide opportunity in accordance with applicable equal employment opportunity and affirmative action laws and directives and regulations of federal, state and local governing bodies and agencies.

The Heartland AEA equal employment opportunity/affirmative action message, policies and procedures will be disseminated referring to this policy in the staff handbook, on the Agency's website and by publicizing the policy when appropriate.

Employment advertisements will assure applicants and prospects that Heartland AEA is committed to equal employment opportunity and affirmative action and all employment and recruiting sources will be reminded of the Agency's policy. Notices will be posted on bulletin boards in locations where applicants are interviewed. These will inform employees and applicants of their rights under federal and state civil rights laws.

The board of directors and administration are committed to fostering equal employment opportunity within our workforce as we strive to hire the best and most qualified candidates.



Jon Sheidahl, Chief Administrator

Equal Employment Opportunity & Affirmative Action Coordinator

Code Reference: 95.5(1)

Identification of coordinator. The name, job title, address and phone number of the employee responsible for coordinating the development and implementation of the equal employment opportunity and affirmative action plans.

The person responsible for coordinating the development and implementation of the equal employment and affirmative action plan on behalf of the Heartland AEA Board of Directors is:

Nia Chiaramonte, Director of Human Resources
6500 Corporate Drive
Johnston, IA 50131
nchiaramonte@heartlandaea.org
(515) 270-9030 ext. 14534

Responsibilities of the equal employment opportunity and affirmative action coordinator include the following:

1. Review and update the Agency's EEO/AA plan every two years.
2. Review, coordinate and monitor equal employment opportunity and affirmative action efforts.
3. Review, coordinate and administer equity compliance evaluation and monitoring systems, which includes conducting quantitative analyses to determine whether underrepresentation and barriers to equal employment opportunity exist.
4. Review, coordinate and administer recordkeeping systems related to various aspects of civil rights compliance.
5. Review, coordinate and administer grievance procedures.
6. Provide technical assistance to administrators and board members.
7. In conjunction with professional developers, provide program development services to educators related to non-discrimination.
8. In conjunction with professional developers, provide training to service delivery staff and others regarding equity legislation.

Overview of the Equal Employment Opportunity/ Affirmative Action Plan

The Heartland AEA Equal Employment Opportunity/Affirmative Action Plan includes board policies, duties of the coordinator, analysis and goals for action. The board policies establish the foundation, and the remaining materials propose an administrative procedure to implement board policies.

Board Policies

Heartland AEA's equal employment opportunity/affirmative action policies and their accompanying administrative regulations are reviewed by the Agency's board of directors as part of its ongoing review of board policies. The relevant policies and administrative regulations are listed as follows and included in Appendix A:

- Educational Equity, Non-discrimination and Affirmative Action (101)
- Bullying and Workplace Harassment (102)
- Non-discrimination in Employment and Affirmative Action (103)
- Complaint Procedure and Form (Staff Handbook Section 13)
- Discrimination Grievance Procedure (Staff Handbook Section 13)

Quantitative Analysis

Code Reference: 95.5(4)

Quantitative analysis. A quantitative analysis that shall compare work force analysis figures with the availability of qualified or qualifiable members of racial/ethnic groups, women, men and persons with disabilities within the relevant labor market.

Relevant Labor Force

Relevant Labor Force calculations were obtained from the U.S. Census Bureau American Community Survey 2018 for the State of Iowa. The calculation shows the minority labor force is approximately 8.4%.

Estimated 2020 Percent Labor Force

Ethnicity	Percent Minority of Total
White	87.6%
Black or African American	3.2%
American Indian or Alaska Native	0.3%
Asian.....	2.6%
Native Hawaiian or Other Pacific Islander.....	0.0%
Identified by two or more races.....	1.4%
Other.....	0.9%
Hispanic or Latino	5.0%
Total Minority (Non-White or Hispanic or Latino in workforce).....	8.4%
<i>Note: Total does not add up to 100% due to reporting of multiple races and rounding.</i>	

Individuals with disabilities comprise 6.7% of the available labor force in the state of Iowa.

The following workforce analysis will compare these demographics to the current state at Heartland AEA.

Workforce Analysis

Code Reference: 95.5(3)

Work force analysis. A work force analysis that shall show the numerical and percentage breakdown of the agency's full-time and part-time employees within each major job category by racial/ethnic group, gender, and disability. Major job categories shall be consistent with the E.E.O. 5 and E.E.O. 6 occupational categories reported to the United States Equal Employment Opportunity Commission. For the purpose of confidentiality, disability data may be based on total agency figures, rather than those of major job categories.

An EEO 5 workforce analysis of the Agency's staff members was completed with staff data as of December 2020. The results are detailed in the following table. The full-time staff is composed of 3.59% minority employees. The part-time staff is composed of 0% minority employees. As a whole, the Heartland AEA staff (full- and part-time) consists of 3.59% minority employees.

A calculation of information provided by the U.S. Census Bureau American Community Survey 2020 and Iowa Labor Force 2020 Statistics shows the minority workforce population within Iowa is approximately 8.4%. Therefore, as compared to the general workforce, minority employees are underrepresented in three out of four employment groups at Heartland AEA.

Male – Female Balance

The Heartland AEA staff is composed of 10.2% male employees and 89.8% female employees.

Disability

Staff data as of November 2020, reflects 2.6% of Heartland AEA staff members have identified themselves to Human Resources as having a disability.

Heartland AEA Workforce Analysis

As of Nov. 1, 2018 — Not updated due to COVID-19 pandemic

PART II. STAFF STATISTICS AS OF (DATE)2018-11-01 13:10:16.0									DO NOT INCLUDE ELECTED/APPOINTED OFFICIALS (SEE DEFINITION IN APPENDIX)							
DISTRICT NAME: AEA 11 Heartland AEA									DISTRICT ID: 1999011							
A. FULL-TIME STAFF																
ACTIVITY ASSIGNMENT CLASSIFICATION	RACE/ETHNICITY														TOTALS (COLUMN A-N)	
	HISPANIC OR LATINO		NON-HISPANIC ORIGIN													
			MALE						FEMALE							
	MALE A	FEMALE B	WHITE C	BLACK OR AFRICAN AMERICAN D	ASIAN E	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER F	AMERICAN INDIAN OR ALASKAN NATIVE G	TWO OR MORE RACES H	WHITE I	BLACK OR AFRICAN AMERICAN J	ASIAN K	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER L	AMERICAN INDIAN OR ALASKAN NATIVE M	TWO OR MORE RACES N		
1. Officials, Administrators, Managers	0	0	16	0	0	0	0	1	18	0	0	0	0	0	35	
2. Principals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3. Assistant Principal, Teaching	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4. Assistant Principals, Non teaching	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5. Elementary Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6. Secondary classroom Teachers	0	0	1	0	0	0	0	0	7	0	0	0	0	0	8	
7. Other Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8. Guidance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
9. Psychological	0	0	11	0	0	0	0	0	80	0	1	0	0	1	93	
10. Librarians /Audio Visual Staff	0	0	0	0	0	0	0	0	6	0	1	0	0	0	7	
11. Consultants &Super-visors of Instruction	0	3	7	0	0	0	0	0	119	0	0	0	0	2	131	
12. Other Professional Staff	0	1	8	0	0	0	0	0	237	1	2	0	0	6	255	
13. Teachers Aids	0	0	0	1	1	0	0	0	9	0	0	0	0	0	11	
14. Technicians	0	0	14	1	2	0	0	0	10	0	1	0	0	0	28	
15. Clerical/Secretarial Staff	0	1	0	0	0	0	0	0	26	1	1	0	0	0	29	
16. Service Workers	0	0	5	0	0	0	0	0	2	0	0	0	0	0	7	
17. Skilled Crafts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
18. Laborers, Unskilled	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
19. TOTAL (Lines 1-18)	0	5	62	2	3	0	0	1	514	2	6	0	0	9	604	
B. PART-TIME STAFF																
20. Professional Instructional	0	0	0	0	0	0	0	0	39	0	0	0	0	0	39	
21. All Other	0	0	1	0	0	0	0	0	2	0	0	0	0	0	3	
22. TOTAL (Lines 20-21)	0	0	1	0	0	0	0	0	41	0	0	0	0	0	42	
C. NEW HIRES (JULY THRU SEPT. OF THE SURVEY YEAR)																
23. Officials, Administrators, Managers	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
24. Principals/Asst. Principals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
25. Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
26. Other Professional Staff	0	0	5	0	0	0	0	0	35	0	0	0	0	1	41	
27. Nonprofessional Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
28. TOTAL (Lines 23-28)	0	0	5	0	0	0	0	0	36	0	0	0	0	1	42	
CERTIFICATION. I certify that the information given in this report is correct and true to the best of my knowledge and was reported in accordance with accompanying instructions. (Willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.)																
DATE	PHONE	Email	TYPED NAME/TITLE OF AUTHORIZED OFFICIAL						SIGNATURE	<input checked="" type="checkbox"/>						
11/01/2018	515-270-0405	wanderson@heartlandaea.org	Whitney Anderson/HR Generalist													

Qualitative Analysis

Code Reference: 95.5(5)

Qualitative analysis. When underrepresentation is identified in one or more major job category, a qualitative analysis shall be implemented and included in the agency's affirmative action plan. The qualitative analysis is a review of employment policies and practices to determine if and where those policies and practices tend to exclude, disadvantage, restrict or result in adverse impact on the basis of racial/ethnic origin, gender, or disability. The analysis may include, but is not limited to the review of:

- a. Recruitment practices and policies;
- b. A demographic study of the applicant pool and flow;
- c. The rate and composition of turnover in major job categories;
- d. Trends in enrollment, which will affect the size of the work force;
- e. Application and application screening policies and practices;
- f. Interview, selection, and placement policies and practices;
- g. Transfer and promotion policies and practices;
- h. Discipline, demotion, termination and reduction in force policies and practices;
- i. Employee assistance, training selection and mentoring policies and practices;
- j. The impact of the collective bargaining agreement on equal employment opportunity and the affirmative action process;
- k. Law, policies or practices external to the agency that may hinder success in equal employment opportunity and affirmative action.

Board Policies

The Heartland AEA Board of Directors has disseminated the equal employment opportunity and affirmative action policies. The policies speak to educational equity, non-discrimination and affirmative action as well as harassment in the workplace. The policies are located in the official board policy manual posted on the Agency's website. The policies are also referenced in the Staff Handbook, available to all employees through the Intranet.

a. Recruitment practices and policies

Heartland AEA makes every effort to ensure its hiring practices are fair and consistent and adhere to Equal Opportunity Employment requirements. The Agency is dedicated to recruiting a diverse workforce that reflects the vastly diverse student-base that it supports. Through focused advertising and networking, the Agency is able to recruit and hire top talent while affording all applicants equitable consideration, regardless of race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status. Heartland AEA will hire individuals who meet or exceed position requirements, will consider the veteran status of applicants and will provide opportunity in accordance with applicable equal employment opportunity and affirmative action laws and directives and regulations of federal, state and local governing bodies and agencies.

To make certain that the Agency's practices are fair and consistent and adhere to EEO requirements, the Agency has specific policies in place to meet its affirmative action plan and remove the possibility of personal bias and/or discrimination in the hiring process. To do

this, the Agency advertises that it is an equal opportunity employer and encourages minority applicants to apply for any vacant positions. The Agency seeks out diversity advertisements and events to recruit applicants to meet its affirmative action plans and diversity and inclusion goals. Heartland AEA also uses a thorough screening process to select viable candidates based on an applicant's experience, education and skills without knowledge of the applicant's EEO status. The Human Resources Department reviews the candidates selected for interview and reviews EEO status to ensure all applicants have been selected based on job skills and consideration of veteran status. After interviews are conducted, interview notes are reviewed to make sure all candidates have been treated fairly and consistently.

For more information on the Agency's full hiring process, contact the Human Resources Department. A complete guide to Heartland AEA hiring processes can also be found in the Agency's hiring manual.

Job vacancies are advertised inside and outside of the Agency. Advertisements include Heartland AEA's non-discrimination statement, and all newspaper advertisements include EEO/AA statements. Other recruitment activities include the following:

- Working with pre-service institutions and graduate training programs
- Disseminating newsletters and brochures to training institutions
- Maintaining contact with innovative training programs
- Posting information on career websites
- Attending career fairs
- Attending community multi-cultural events

b. A demographic study of the applicant pool and flow

A review of demographic information for the relevant labor force for Heartland AEA shows a minority population of approximately 6.9%, compared to a minority population of 8.4% statewide.

A review of job applications submitted between July 1, 2018 and June 30, 2020 was done. The review showed a total of 945 completed applications. Applicants voluntarily provided the following information on their applications. In total, female applicants (85.5%) outnumbered male applicants (13.1%) (.3% non binary), while 1.1% didn't respond. Of all applicants, 6.9% identified themselves as part of the minority population, 90.6% identified as white, while 2.5% did not respond.

A disability analysis of the applicant pool showed that 1.5% of applicants identified themselves on their application as having a disability.

c. The rate and composition of turnover in major job categories

A review of the turnover rate by bargaining unit for the fiscal year 2018-19 and 2019-20 was conducted.

- The Classified Non-Union group had an average turnover rate of 2.33% with a total of 2 employees (0 were minority and 0 had a disability).
- The Classified Union group had an average turnover rate of 11.78% with a total of 20 employees (2 were minority and 0 had a disability).
- The Certified Union group had an average turnover rate of 6.06% with a total of 65 employees (5 were minority and 0 had a disability).
- The Certified Non-Union group had an average turnover rate of 1.43% or 1 employee (0 were minority and 0 had a disability).

d. Trends in enrollment, which will affect the size of the work force

Enrollment in the Heartland AEA service area has risen over the past two years, which has created the need for additional staff. Staffing levels have increased due to the enrollment growth (up to 723.000 from 664.029). At this point if enrollment trends continue, there would be an expected increase in hiring for the years 2021-22 and 2022-23.

e. Application and application screening policies and practices

The Agency has an online application process. Applicants can use any public or private computer connected to the Internet to access the system or request a paper application as needed. Applicants are notified of the Agency's non-discrimination policy, the identity of the Affirmative Action and Equity Coordinator and the existence of the grievance procedure. The application includes the Agency's non-discrimination policy and a section that requests applicants to voluntarily self-identify protected status to be used in future applicant flow analysis. This information is made viewable to Human Resources staff only for the purpose of preventing discrimination in applicant screening. Human Resources staff uses this information to decide if a qualified applicant of minority or disabled status should be advanced into an interview pool for affirmative action.

f. Interview, selection and placement policies and practices

Heartland AEA is firmly committed to equal employment opportunity and affirmative action. Race, gender, disability and veteran's status will be considered for purposes of filling a vacancy in consideration of this Affirmative Action Plan. However, the Agency will continue to hire the most qualified person for every job. In other words, all things being equal, a person's race, gender, disability or veteran's status may be considered a plus for hiring purposes, so long as it is within the intent of federal EEO regulations.

g. Transfer and promotion policies and practices

Transfer decisions are made based upon skills and knowledge matched to the position. Managers must provide a reason for denial of a transfer in writing. Denial cannot be based upon race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status.

h. Discipline, demotion, termination and reduction in force policies and practices

Formal discipline, demotion, termination and reduction in force cannot be completed without review of the Director of Human Resources. Discipline, demotion, termination and reduction in force cannot be based upon race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status.

i. Employee assistance, training selection and mentoring policies and practices

Decisions about employee assistance, training selection and mentoring are not made based upon race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status.

j. The impact of the collective bargaining agreement on equal employment opportunity and the affirmative action process

The collective bargaining agreements between the Agency and the Heartland Education Association (HEA) and the Teamsters Union do not have provisions that would single out a

person based on race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status.

k. Law, policies or practices external to the Agency that may hinder success in equal employment opportunity and affirmative action

The Agency's Certified Union and administrative positions are specialized in that they require advanced degrees, specialized training programs and often several years of experience. Therefore, the recruitment pool for those positions is often smaller in size and may reflect smaller societal availability of minorities whom have completed advanced degrees in those specific fields. Furthermore, the Agency's major recruitment pool is comprised of teachers with master's degrees in Iowa, few of whom have minority status. The Agency must often recruit applicants to our state, which may not generally be seen as a destination. Therefore, Heartland AEA has to actively recruit beyond its typical recruitment pools and make candidates see Central Iowa as a destination for work and life.

Heartland AEA has formed partnerships with external agencies that can be a resource to overcome some of the barriers identified above.

Evidence of Systematic Input

The Agency has established a Diversity and Engagement Advisory Team to provide systematic input from diverse racial and cultural groups and individuals with disabilities. The Director of Human Resources, who is the Affirmative Action and Equity Coordinator by design, is a member of this advisory council.

Grievance Procedures

The Staff Handbook outlines policies including a grievance procedure that addresses complaints based upon discrimination and sexual harassment. This procedure will be made available to all applicants or employees who contact the Director of Human Resources, who serves as the Agency's Affirmative Action and Equity Coordinator.

Staff Development

Staff members are provided diversity awareness training opportunities and have resources within their regions for on-going professional development opportunities that enhance cultural competence.

Personnel and Staff Managerial Practices

At a systemic level, staff performance evaluation goals and staff performance evaluation systems do not include specific equity components. However, any lack of sensitivity to working with protected classes of people would be noted and correction would be required. Such performance issues would likely be tied to Standard Six: Interpersonal Relationships and/or Standard Eight Professional Responsibilities of the Certified staff member employee standards and Standard One: Customer Service and/or Standard Four: Communication and Teamwork of the Classified staff member employee standards.

The Agency attempts to accommodate disabled employees. There are no disparities in salaries in any job categories, salary schedules do not directly or indirectly discriminate and all staff placement and assignment decisions are based on licensure, experience and ability, rather than race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy or disability.

Review of Previous Goals

The goals from the previous Affirmative Action Plan, along with the outcomes, are outlined below.

Quantitative Goals from 2019-20

Previous Goal	Outcome
<ul style="list-style-type: none"> • Increase the overall percentage of minority employees within the Agency from 4.34% to 5.49% by Dec. 30, 2020 <ul style="list-style-type: none"> - Increase the percentage of minority employees within the Certified Union group from 2.84% to 3.78% by Dec. 30, 2020 - Increase the percentage of minority employees within the Classified Union group from 9.63% to 10.84% by Dec. 30, 2020 - Increase the percentage of minority employees within the Certified Non-Union (management) group from 3.22% to 5.71% by Dec. 30, 2020 - Increase the percentage of minority employees within the Classified Non-Union group from 13.63% to 15.9% by Dec. 30, 2020 • Increase the gender balance of employees within the Classified Union group from 13.25% male to 14.45% male by Dec. 30, 2020 • Increase the gender balance of employees within the Certified Union group from 6.06% male to 6.62% male by Dec. 30, 2020 	<ul style="list-style-type: none"> • Minority percentage for agency-wide decreased to 3.59% • Minority percentage in the Certified Union group decreased to 2.33% • Minority percentage in the Classified Union decreased to 6.98% • Minority percentage in the Certified Non-Union (management) group decreased to 2.70% • Minority percentages in the Classified Non-Union group increased to 14.28% • The gender balance in the Classified Union increased to 16.28% male • The gender balance in the Certified Union decreased to 5.37%

Qualitative Goals from 2019-20

Previous Goal	Outcome
<ul style="list-style-type: none"> • Reconvene the Central Diversity and Inclusion Committee • Update and regulate interviewer training • Create a diversity training for internal staff • Revise job descriptions through the lens of diversity and inclusion 	<ul style="list-style-type: none"> • Heartland AEA did not meet these goals

Quantitative Goals for 2020-21

Code Reference: 95.5(6)

Quantitative goals. Numerical goals and timetables for reduction of underrepresentation in each major job category where it has been identified shall be developed. These goals shall not be treated as rigid and inflexible quotas that must be met, but as reasonable aspirations toward correcting imbalance in the agency's work force. The goal shall not cause any group of applicants to be excluded from the hiring process. When setting numerical goals, agencies shall take into consideration the following:

- a. The numbers and percentages from the work force analysis conducted pursuant to subrule 95.5(3)
- b. The number of short- and long-term projected vacancies in the job category, considering turnover, layoffs, lateral transfers, new job openings, and retirements;
- c. The availability of qualified or qualifiable persons from underrepresented racial/ethnic, gender and disability categories within the relevant labor market;
- d. The makeup of the student population served by racial/ethnic origin, gender and disability;
- e. The makeup of the population served by racial/ethnic origin, gender and disability;
- f. The makeup of the population of the metropolitan statistic area, when applicable, by racial/ethnic origin, gender, and disability.

Problem Statement	Goal Statements
<ul style="list-style-type: none"> Minorities are underrepresented on the Heartland AEA staff as compared to the general population and the student population in the 11 counties in the Heartland AEA service area. Agency-wide, gender equity is skewed towards female and more heavily in some employment groups than others. 	<ul style="list-style-type: none"> Increase the overall percentage of minority employees within the Agency from 3.59% to 4.41% by Dec. 30, 2022 <ul style="list-style-type: none"> Increase the percentage of minority employees within the Certified Union group from 2.33% to 2.5% by Dec. 30, 2022 Increase the percentage of minority employees within the Classified Union group from 6.98% to 8.14% by Dec. 30, 2022 Increase the percentage of minority employees within the Certified Non-Union (management) group from 2.70% to 5.41% by Dec. 30, 2022 Increase the percentage of minority employees within the Classified Non-Union group from 14.28% to 16.67% by Dec. 30, 2022 Increase the gender balance of employees within the Classified Union group from 16.28% male to 17.44% male by Dec. 30, 2022 Increase the gender balance of employees within the Certified Union group from 5.37% male to 5.54% male by Dec. 30, 2022

Qualitative Goals for 2020-21

Code Reference: 95.5(9)

Qualitative goals. Qualitative goals, activities and timetables which specify the appropriate actions and time frames in which problem areas identified during the qualitative analysis are targeted and remedied. In setting qualitative goals and planning actions the agency may consider, but need not be limited to, the following:

- a. Broadening or targeting recruitment efforts;
- b. Evaluating and validating criteria and instruments used in selecting applicants for interviews, employment, and promotion;
- c. Providing equal employment opportunity, affirmative action, and intergroup relations training for employees of the agency;
- d. Developing a system of accountability for implementing the agency's plan;
- e. Developing and implementing an employee assistance and mentoring program;
- f. Establishing a work climate which is sensitive to diverse racial/ethnic groups, both women and men and persons with disabilities;
- g. Negotiating the revision of collective bargaining agreements to facilitate equal employment opportunity and affirmative action;
- h. Considering a person's racial/ethnic origin, gender, or disability as a relevant factor when selecting applicants for interview, employment and promotion in job categories where underrepresentation exists.

Problem Statement	Goal Statements
<ul style="list-style-type: none">• Central Diversity and Inclusion Committee disbanded due to turnover.• No formal training for internal staff.• Diversity and inclusion is not currently a systematic thought process.	<ul style="list-style-type: none">• Work with the New York City Leadership Academy (NYCLA) to do an organizational equity audit.• Convene an equity committee based on recommendations from NYCLA.• Implement other recommendations based on NYCLA's equity audit.

Other Requirements by Code

Minority Base

Code Reference: 95.5(7)

Absence of minority base. Agencies with no minority students enrolled or no minority employees shall develop goals and timetables for recruiting and hiring persons of minority racial/ethnic origin when those persons are available within the relevant labor market.

Heartland AEA does have both minority students and minorities on staff; therefore, this section is not applicable and goals for the recruitment and retention of minority staff will be done in the interest of increasing to better match the population served and to meet the spirit of diversity set forth earlier in this document.

Dissemination

Code Reference: 95.6(256)

Dissemination. Each agency shall have an internal and external system for disseminating its equal employment opportunity and affirmative action policies and plans.

95.6(1) *Plan distribution.* The policies and plans shall be annually distributed to agency employees involved in the hiring or management of personnel and shall be made available to other agency employees, the public and the director of education upon request.

95.6(2) *Policy statement distribution.* The policy statement shall be distributed to all applicants for employment and shall be disseminated annually to employees, students, parents and recruitment sources.

Heartland AEA shall disseminate the Equal Employment Opportunity/Affirmative Action Plan and policies as follows:

- A copy of the plan will be provided to each Heartland AEA board member
- Following approval from the board of directors:
 - Employees will be notified of the adopted plan and its location via The Connection (an internal agency newsletter).
 - A copy will be available for public use on the agency website.
 - A copy will be available for employees under the Human Resources tab on the Intranet.
 - A copy will be made available to the Director of the Iowa Department of Education upon request.
 - The Agency's EEO/AA policy statement shall be visible to applicants during the recruitment/hiring process.

Reporting

Code Reference: 95.7(256)

Reports. Each education agency shall submit an annual progress report on equal employment opportunity and affirmative action to its local board of directors. An annual progress Ch. 95, p.4 Education[281] IAC 7/2/08 report shall be submitted to the department of education by Dec. 31 of each year. The report shall be part of the basic educational data collection system administered by the department of education.

Code Reference: 95.5(8)

Consolidation. An agency may consolidate racial/ethnic minorities and job categories into broader groupings in conducting its analysis under subrules 95.5(3), 95.5(4) and 95.5(6) when its size or number of employees makes more specific categories impractical.

Annual Reporting

The annual Basic Educational Data Survey meets the Dec. 31 reporting requirement to the Iowa Department of Education. The Heartland AEA Board of Directors will be given a written annual update of progress towards goals in the fall of each year.

Consolidation in Reporting

For the purposes of reporting, Heartland AEA reserves the right to consolidate racial/ethnic minorities and job categories into broader groupings when the number of candidates with minority or disability status within a category are small and disaggregate reporting would cause stigma.



Appendix



Board Policies

Educational Philosophy Series 100

Policy Title: Educational Equity, Non-discrimination, and Affirmative Action Policy
Code No. 101

Policy Statement

It is the policy of Heartland AEA not to discriminate on the basis of race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy, disability or socioeconomic status in its educational programs.

Curriculum content and instructional materials used by Heartland AEA are to reflect the cultural and racial diversity present in the United States and the variety of careers, roles, and lifestyles open to everyone in our society. The curriculum is to foster respect and appreciation for the cultural diversity found in our country and an awareness of the rights, duties, and responsibilities of each person as a member of a pluralistic society.

Scope of Policy

Affirmative implementation of non-discrimination in educational programs and practices includes, but is not limited to, the areas of professional development and training, curriculum content and instructional materials, and any educational services, programs or activities.

Accountability Overview

All individuals representing the work of Heartland AEA are expected to know of and fully accept the Educational Equity policy and to make certain that no individual child, family or other persons we serve suffer discrimination because of race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy, disability or socioeconomic status.

Responsibility for implementing the policy is assigned to the Director of Human Resources, who will render full assistance and support for those seeking help and assistance. This policy will be reviewed by the administration each year.

The Agency will respond promptly to allegations discrimination in educational equity by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible.

If you would like to file a complaint, please use the general complaint form found on the Heartland AEA website at: <http://www.heartlandaea.org/non-discrimination> and submit to the Chief Administrator or one of Heartland AEA's Level 1 Investigators below:

- **Primary:** Nia Chiaramonte, *Director of Human Resources* (nchiaramonte@heartlandaea.org)
- **Alternate:** Kristi Upah, *Chief Student Services Officer* (kupah@heartlandaea.org)
- Jon Sheldahl, *Chief Administrator* (jsheldahl@heartlandaea.org)

If you have questions or a complaint related to this policy please contact the Director of Human Resources, 6500 Corporate Dr., Johnston, IA 50131-1603, the Director, Iowa Civil Rights Commission, Des Moines, Iowa 50319-1004 or Director, Office for Civil Rights, Kansas City, MO 64106.

Disclaimer

In preparing this policy, Heartland AEA has used terminology contained in state and federal law. Consequently, none of the terminology used should be construed as an admission by Heartland AEA, in whole or in part, that any individual has been or is presently being discriminated against. Nor is the effect of this policy intended to discriminate against a person or group of persons with respect to employment opportunities for which they are qualified on the grounds that they are not the beneficiaries of affirmative action. Indeed, nothing herein is intended to sanction the discriminatory treatment.

Date of Adoption: May 13, 1985

Reviewed: 2/96, 11/05

Amended: 4/98, 6/90, 9/91, 8/99, 7/03, 12/07, 7/11, 1/13, 4/14/15, 8/8/17, 4/9/19

Educational Philosophy Series 100

Policy Title: Bullying and Workplace Harassment
Code No. 102

Policy Statement

Heartland Area Education Agency is committed to providing all children and students, families, employees and individuals with a safe and civil environment in which all members of the community are treated with dignity and respect. Bullying and/or harassment of or by 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 employees to maintain a safe and civil environment, and the ability of children and students to learn and succeed. Therefore, it is the policy of the state and the Agency that staff and volunteers other individuals who work to provide services through Heartland AEA shall not engage in bullying or harassing behavior during work, on Agency property, or at any Agency function or Agency-sponsored activity, including service to local school districts.

Scope of Policy

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

- “Harassment” and “bullying” shall mean any electronic, written, verbal, or physical act or conduct toward another individual or family on the individual’s or family’s actual or perceived race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy, disability or socioeconomic status which creates an objectively hostile environment that meets one or more of the following conditions:
 1. Places the individual or family in reasonable fear of harm to themselves or property.
 2. Has a substantial detrimental effect on the individual or family’s physical or mental health.
 3. Has the effect of substantially interfering with an individual’s academic performance.
 4. Has the effect of substantially interfering with the individual’s or family’s ability to participate in or benefit from the services, activities, or privileges provided by the Agency.
- “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.
- “Trait or characteristic of the individual or family” includes but is not limited to race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy, disability or socioeconomic status.
- “Volunteer” means an individual who has regular, significant contact with students

For the purpose of this policy, harassment is defined as unwelcome comments (written or spoken) or conduct that violates an individual’s dignity and/or creates an intimidating, hostile, degrading, humiliating, or offensive environment. Types of harassment may include, but are not limited to, sexual and physical harassment, including jokes, stories, pictures or objects that are offensive or tend to alarm, annoy, abuse, or demean certain protected individuals or groups.

Sexual harassment may include, but is not limited to, verbal harassment or abuse, unwelcome pressure for sexual activity, repeated unwelcome remarks with sexual or demeaning implications, unwelcome touching, and suggestions or demands of sexual involvement by implied or explicit threats or promises of benefit concerning one's employment or education.

Such conduct will constitute a violation of this policy when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education,
- submission to or rejection of such conduct by a person is used as the basis for academic or employment decisions affecting that person, or
- such conduct has the clear purpose or effect of interfering with or altering a person's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment.

Accountability Overview

Employees whose actions or behavior, either intentional or unintentional, that violate this policy, will be subject to discipline that may result in discharge. Responsibility for implementing the policy is assigned to the Director of Human Resources, who will render full assistance and support for those seeking help and assistance. Heartland AEA employees are informed of the bullying and harassment policy as a part of initial orientation. Annual review is confirmed through employee certification of the staff handbook. Employees who believe that they have been harassed will notify the Chief Administrator and/or Director of Human Resources. An additional safeguard is provided through the whistleblower policy; see policy 413 Disclosure of Wrongful Conduct ([Whistleblower Policy](#)).

The Agency will respond promptly to allegations of bullying and harassment by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible.

If you would like to file a complaint, please use the general complaint form found on the Heartland AEA website at: <http://www.heartlandaea.org/non-discrimination> and submit to the Chief Administrator or one of Heartland AEA's Level 1 Investigators below:

- **Primary:** Nia Chiaramonte, *Director of Human Resources* (nchiaramonte@heartlandaea.org)
- **Alternate:** Kristi Upah, *Chief Student Services Officer* (kupah@heartlandaea.org)
- Jon Sheldahl, *Chief Administrator* (jsheldahl@heartlandaea.org)

If you have questions or a complaint related to this policy please contact the Director of Human Resources, 6500 Corporate Dr., Johnston, IA 50131-1603, the Director, Iowa Civil Rights Commission, Des Moines, Iowa 50319-1004 or Director, Office for Civil Rights, Kansas City, MO 64106.

Disclaimer

In preparing this policy, Heartland AEA has used terminology contained in state and federal law. Consequently, none of the terminology used should be construed as an admission by Heartland AEA, in whole or in part, that any individual has been or is presently being discriminated against. Nor is the effect of this policy intended to discriminate against a person or group of persons with respect to employment opportunities for which they are qualified on the grounds that they are not the beneficiaries of affirmative action. Indeed, nothing herein is intended to sanction the discriminatory treatment.

Date of Adoption: June 10, 1985

Reviewed: 11/01, 11/05

Amended: 4/11/88, 9/10/91, 6/8/93, 2/13/96, 8/99, 12/01, 7/03, 12/7, 7/11, 1/13, 4/14/15, 8/8/17, 4/9/19

Educational Philosophy Series 100

Policy Title: Non-discrimination in Employment and Affirmative Action
Code No. 103

Policy Statement

It is the policy of Heartland AEA not to discriminate on the basis of race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy, or disability in its employment practices.

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

Scope of Policy

Affirmative implementation of equal employment opportunity (employees and applicants for employment) and non-discrimination includes, but is not limited to, the areas of recruitment, selection, compensation and benefits, promotion, demotion, transfer, termination, layoff, treatment during employment, professional development and training, and other terms and conditions of employment.

Accountability Overview

All individuals representing the work of Heartland AEA are expected to know of and fully accept the Non-discrimination in Employment and Affirmative Action policy and to make certain that no individual, whether employee, or applicant for employment suffer discrimination because of race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, pregnancy, or disability.

Responsibility for implementing the policy is assigned to the Director of Human Resources, who will render full assistance and support for those seeking help and assistance. This policy will be reviewed by the administration each year. Heartland AEA employees are informed of the non-discrimination and affirmative action policies as a part of initial orientation and annual review is confirmed through employee certification of the staff handbook.

The Agency will respond promptly to allegations of discrimination in employment practices by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible.

If you would like to file a complaint, please use the general complaint form found on the Heartland AEA website at: <http://www.heartlandaea.org/non-discrimination> and submit to the Chief Administrator or one of Heartland AEA's Level 1 Investigators below:

- **Primary:** Nia Chiaramonte, *Director of Human Resources* (nchiaramonte@heartlandaea.org)
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- Jon Sheldahl, *Chief Administrator* (jsheldahl@heartlandaea.org)

If you have questions or a complaint related to this policy please contact the Director of Human Resources, 6500 Corporate Dr., Johnston, IA 50131-1603, the Director, Iowa Civil Rights Commission, Des Moines, Iowa 50319-1004 or Director, Office for Civil Rights, Kansas City, MO 64106.

Disclaimer

In preparing this policy, Heartland AEA has used terminology contained in state and federal law. Consequently, none of the terminology used should be construed as an admission by Heartland AEA, in whole or in part, that any individual has been or is presently being discriminated against. Nor is the effect of this policy intended to discriminate against a person or group of persons with respect to employment opportunities for which they are qualified on the grounds that they are not the beneficiaries of affirmative action. Indeed, nothing herein is intended to sanction the discriminatory treatment.

Date of Adoption: 4/9/19

Exhibit 1



DISCRIMINATION COMPLAINT FORM

Name/Position of complainant _____

Date of complaint _____

Name/Position of person complaint is regarding: _____

Date alleged violation occurred:

Complaint (please write a brief statement of the complaint – attach additional pages if necessary):

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

Signature _____

Exhibit 2



HARASSMENT COMPLAINT FORM

Name/Position of complainant _____

Date of complaint _____

Name/Position of person complaint is regarding: _____

Date and place of incident(s):

Description of misconduct (please write a brief statement of the complaint – attach additional pages if necessary):

Name of witnesses (if any):

Evidence of harassment (attach if possible - i.e. letters, photos, etc.):

Any other information:

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

Signature _____

Exhibit 3



NON-CONTRACTUAL COMPLAINT FORM

Name/Position of complainant _____

Date of complaint _____

Name/Position of person complaint is regarding: _____

Description of complaint including policy or rule violated when applicable: (please write a brief statement of the complaint – attach additional pages if necessary):

Please attach any evidence to support complaint (i.e., email, meeting notes, etc.)

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

Signature _____

Complaint Procedures

Staff Handbook Section 13

13:1 Employment Complaints

This applies to employees who have a complaint against a fellow employee, an administrator or a member of the Board of Directors.

Complaints against a fellow employee, administrator or a member of the Board of Directors should be discussed directly between individuals. Complaints should not be made in the presence of other employees or outside persons.

- If necessary, complaints will be brought directly to the immediate supervisor or the Human Resources Department in a constructive and professional manner.
- In the event the situation cannot be resolved, the following shall be the appeal procedure (Note that no appeal will be heard at the following levels unless a formal written complaint has been presented.):
 - Director/executive director over the employee's workgroup
 - Human Resources Department
 - Chief Administrator
 - Board of Directors
- *Complaint Forms* are archived on the Intranet > Human Resources > [Employee Complaint Forms](#).
- The employee may withdraw the complaint at any level of the procedure.

13:2 Comprehensive Agreement Complaints

This section applies to agency employment groups that are unionized, specifically Certified Union staff and Classified Union staff.

The Certified Union (school psychologists, speech-language pathologists, audiologists, physical therapists, occupational therapists, consultants, etc.) is comprised of staff members who are represented by the Heartland Education Association (HEA), a local unit of the Iowa State Education Association (ISEA) and the National Education Association (NEA).

The Classified Union (administrative assistants, custodians, van drivers, library assistants, etc.) is represented by the Teamsters Local No. 238. Both of these unions have contracts or comprehensive agreements that identify many of the conditions of employment. Each of these contracts can be found on the Intranet > [Human Resources](#).

- If a staff member feels that the conditions of the comprehensive agreement have been violated, he/she should follow the procedures outlined in his/her group's comprehensive agreement.
- For both unions, the first level of grievance involves an informal conversation with the employee's supervisor, and the second level of grievance involves a representative of the respective union. There are additional levels for reaching resolution as well.
- *Contractual Complaint (Grievance) Forms* are available on the Intranet > Human Resources > [Employee Complaint Forms](#).

13:3 Harassment Complaints

Heartland AEA insists on maintaining a working environment that is free from harassment due to race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status. Refer to *Board Policy 101 Educational Equity, Non-Discrimination and Affirmative Action*, *Board Policy 102 Workplace Harassment* and *Board Policy 103 Non-discrimination in Employment and Affirmative Action* for details.

- Report any incident of harassment immediately to your supervisor, any member of management and/or the Human Resources Department. An employee is not required to report the matter to the alleged or perceived offender or someone close to the offender.
- Direct any inquiries about harassment to the EEO Compliance Officer (Nia Chiaramonte, Director of Human Resources), 6500 Corporate Drive, Johnston, IA 50131-1603 or call (515) 473-6658. Alternate EEO Compliance Officers are members of the Agency Planning Council. One or more members of the Agency Planning Council will investigate complaints. Unlawful harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964 and other federal authority.
- A *Harassment Complaint Form* is available on the Intranet > Human Resources > [Employee Complaint Forms](#).

Unwelcome verbal or physical conduct based on race, color, religion, sex (whether or not of a sexual nature and including same-gender harassment and gender identity harassment), national origin, age (40 and over), disability (mental or physical), sexual orientation or retaliation (sometimes collectively referred to as “legally protected characteristics”) constitutes harassment when:

1. The conduct is sufficiently severe or pervasive to create a hostile work environment or
2. In the case of sexual harassment, a supervisor’s unwelcome sexual advances or requests for sexual favors when submission or rejection of such conduct is made an explicit or implicit term or condition of employment or results in a tangible change in an employee’s employment status or benefits (e.g., demotion, termination, failure to promote, etc.).

Hostile work environment harassment occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interfere with an employee’s work performance or creates an intimidating, hostile or offensive work environment. Anyone in the workplace might commit this type of harassment—a management official or a co-worker or non-employee, such as a contractor, vendor or guest.

The victim can be anyone who witnesses or is affected by the conduct, not just the individual at whom the offensive conduct is directed. Examples of actions that may create sexual hostile environment harassment include the following:

- Leering, i.e., staring in a sexually suggestive manner
- Making offensive remarks about looks, clothing or body parts
- Touching in a way that may make an employee feel uncomfortable, such as patting, pinching or intentionally brushing against another’s body
- Telling sexual or lewd jokes, hanging sexual posters, making sexual gestures, etc.
- Sending, forwarding or soliciting sexually suggestive letters, notes, emails or images

Other actions that may result in hostile work environment harassment, but are non-sexual in nature, include the following:

- Use of racially derogatory words, phrases and epithets
- Demonstrations of a racial or ethnic nature such as use of gestures, pictures or drawings that would offend a particular racial or ethnic group
- Making negative comments about an individual's skin color or other racial/ethnic characteristics
- Making negative remarks about an individual's gender that are not sexual in nature
- Making negative comments about an employee's religious beliefs (or lack of religious beliefs)
- Expressing negative stereotypes regarding an employee's birthplace or ancestry
- Making negative comments regarding an employee's age when referring to employees 40 and older
- Making derogatory or intimidating references to an employee's mental or physical impairment

Harassment that results in a tangible employment action occurs when a management official's harassing conduct results in some significant change in an employee's employment status (e.g., hiring, firing, promotion, failure to promote, demotion, formal discipline such as suspension, undesirable reassignment or a significant change in benefits, a compensation decision or a work assignment). Only individuals with supervisory or managerial responsibility can commit this type of harassment.

A claim of harassment generally requires several elements, including the following:

- The complaining party must be a member of a statutorily protected class.
- He/she was subjected to unwelcome verbal or physical conduct related to his/her membership in that protected class.
- The unwelcome conduct complained of was based on his/her membership in that protected class.
- The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with his/her work performance and/or creating an intimidating, hostile or offensive work environment.

What is not harassment?

The anti-discrimination statutes are not a general civility code. Thus, federal law does not prohibit simple teasing, offhand comments or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.

Student-to-Student Harassment Complaints

Staff members should report any witnessed incidents or complaints of student-to-student harassment to the building administrator or facility coordinator. Staff members must also inform their direct supervisor of such harassment.

13:4 Discrimination Complaints

Discrimination is actions taken upon the basis of race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity and/or expression, genetics, pregnancy, disability, military or veteran status, parental, family or marital status.

- Direct any inquiries about discrimination to the EEO Compliance Officer (Nia Chiaramonte, Director of Human Resources) 6500 Corporate Drive, Johnston, IA 50131-1603 or call ext. 14534. Alternate EEO Compliance Officers are members of the Agency Planning Council. One or more members of the Agency Planning Council will investigate complaints.
- A *Discrimination Complaint Form* is available on the Intranet > Human Resources > [Employee Complaint Forms](#).

13:5 Abuse of Students by Heartland AEA Employees

Any staff member receiving information about alleged physical or sexual abuse of a student by a Heartland AEA employee should report that information immediately to a Heartland AEA investigator. The Agency will respond promptly to allegations of abuse of students by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible.

Level 1 Investigators:

- **Primary:** Nia Chiaramonte, *Director of Human Resources*
- **Alternate:** Kristi Upah, *Chief Student Services Officer*

Level 2 Investigator:

- A properly trained Level 2 investigator with appropriate skills and background matching the unique circumstances of the situation will be selected if and when the case advances to Level 2.

13:6 Notifications of Criminal Charges or Child Abuse Complaints

Employees must notify the Human Resources Department of the filing of any criminal charges and the disposition of any criminal charges pending against them. Notification to Human Resources should occur within five business days of the charge or the disposition. Traffic violations do not need to be reported by the employee.

Employees must notify Human Resources of any child abuse complaints filed against them and regarding the findings in any complaint against them alleging child abuse. Notification to Human Resources of any complaints and findings should occur within five business days of notification to the employee.

Employees shall report any felony convictions or founded complaints of child abuse that occurred within five years.

Information relating to criminal charges and child abuse complaints shall be treated and maintained as part of the employee's confidential file. Employees who do not notify the Agency as required may be subject to disciplinary action, up to and including termination.



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