Affirmative Action/Equal Employment Opportunity Plan

Madison Metropolitan School District
Madison, Wisconsin

Plan Years: September 1, 2011 – December 31, 2016

Superintendent Daniel A. Nerad

Affirmative Action Officer Amos Anderson
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INTRODUCTION

This is a five year Affirmative Action/Equal Employment Opportunity Plan (hereinafter the “AA/EEO Plan”) for the Madison Metropolitan School District. The Madison Metropolitan School District (hereinafter the “District”) is located in the south central part of the State of Wisconsin. It is the second largest school district in Wisconsin and serves about 25,000 students. The District has 48 schools, which include 32 elementary (K-5) schools, 11 middle (6-8) schools, 5 high schools and several alternative programs. The District covers approximately 65 square miles and employs approximately 4900 persons.

The purpose of this AA/EEO Plan is to set forth the policies and procedures by which the District will implement its Affirmative Action Program. The policies and procedures may include, but are not limited to, recruitment, training, hiring, appointment, promotion, testing, retention, interviewing, employment, career development, layoff, compensation, transfer, employee benefits, discipline, and termination. It should be noted that this Plan does not provide preferential treatment to any person or persons.

SPECIFICALLY, THE AA/EEO PLAN:

A. Identifies individuals who are responsible for implementing the requirements, provisions and mandates that are set forth in the AA/EEO Plan.

B. Provides a workforce analysis, availability analysis and utilization analysis to identify job groups in which women and minorities are underrepresented.

C. Establishes employment goals for women and minorities in those job groups in which women and minorities are underrepresented.

D. Identifies actions to be taken by the District to reach the employment goals.

Anyone, including parents, employees, persons representing organizations, etc., should contact the District's Affirmative Action Office at 608/663-1530 (voice) or 608/663-5232 (TTY) to request information regarding the District's AA/EEO Plan. Written requests should be directed to the Affirmative Action Officer at the address below.

Affirmative Action Office
Madison Metropolitan School District
545 West Dayton Street, Rm. 221
Madison, WI 53703-1995

Phone 608/663-1530 (V) or TTY 608/663-5232
Fax 608/204-0343
TO: SCHOOL DISTRICT STAFF AND COMMUNITY MEMBERS

FROM: DANIEL A. NERAD, SUPERINTENDENT

RE: AFFIRMATIVE ACTION

As the Superintendent of the District, I am committed to the principles and philosophy of Affirmative Action and Equal Employment Opportunity. The AA/EEO Plan has my approval and support, including fiscal and staff resources to accomplish the objectives in this AA/EEO Plan. The policies and practices of the District are designed to comply with all laws related to equal employment opportunity and I am committed to ensuring equal opportunity. To that end, the Deputy Superintendent, Assistant Superintendents and other District staff members may be assigned specific responsibility to ensure that personnel and employment-related activities are conducted in a manner that assures equal employment opportunity.

The District has assigned the primary responsibility for affirmative action to the Affirmative Action Officer. The Affirmative Action Officer is responsible for recommending affirmative action policies and programs, providing technical assistance and monitoring and evaluating the implementation of the District’s Affirmative Action program. The Affirmative Action Officer has direct access to me to ensure District-wide visibility and accountability of the Affirmative Action Program. The performance of management will continue to be evaluated at least annually and twice yearly, when possible, against criteria developed by the District, to implement the Board of Education’s AA/EEO Plan.
SECTION I. AA/EEO POLICY STATEMENT

It is the policy of the Madison Metropolitan School District (District) to implement affirmative action measures designed to eliminate present effects of past discrimination and to ensure equal employment opportunities for racial/ethnic minorities, women and persons with disabilities. The District recognizes the need to take affirmative steps to identify job groups that show the underutilization of racial/ethnic minorities and women. This involves setting reasonable employment goals and timetables for increasing the employment of women and minorities in job groups in which they are underutilized and developing a plan of action to enable the District to reach its employment goals.

The District also recognizes that affirmative action in an educational system should do more than provide equal employment opportunities. It is the policy of the Board of Education to ensure that each school or educational facility in the District has a pluralistic staff. The intent of this AA/EEO Plan is to ensure that employees and/or applicants for employment are provided equal opportunity. The AA/EEO policy covers all aspects of employment, including, but not limited to, recruitment, training, testing, interviewing, hiring, career development, transfer, promotion, termination, layoff, recall from layoff, compensation and employee benefits.

The Superintendent assumes overall responsibility for the implementation of the District’s Affirmative Action Plan. The Superintendent has delegated primary responsibility for the administration of the AA/EEO Plan to the Affirmative Action Officer.

All District employment policies, practices, and procedures will be examined periodically to ensure they are nondiscriminatory. These policies, practices and procedures are to be implemented by all administrative personnel, directors, personnel officers and anyone else who has responsibility for personnel functions. The full cooperation, support and good faith efforts of the entire District staff are essential to the success of the affirmative action plan. Equal employment opportunity and affirmative action are the responsibility of the entire District’s workforce.

Hiring racial, ethnic group members and women is one of the most important ways to measure the success of an affirmative action plan. Therefore, the District's progress toward the full realization of equal employment opportunity for all employees will be monitored and reported to the Superintendent of Schools on a quarterly basis by the Affirmative Action Officer. The quarterly report shall include a workforce analysis of all employees by race, ethnicity and gender. The Superintendent of Schools will provide a workforce analysis report annually to the Board of Education.

An advisory committee composed of citizens of the community will assist in the evaluation of the AA/EEO Plan. The Affirmative Action Advisory Committee will meet as needed and make recommendations to the Superintendent.
SECTION II. NONDISCRIMINATION POLICY

A. Policy-Prohibition Against Discrimination

1. With respect to employment and personnel operations, the District does not discriminate based on religion, race, color, national origin, ancestry, age, sex, physical appearance, marital status, handicap, disability, arrest or conviction record, political belief, sexual orientation, gender identity, gender expression, less than honorable discharge, source of income, association with a person with a disability or the fact that an individual is a student. Employees shall function in a harassment-free work environment and enjoy working conditions free from physical, verbal or psychological harassment. (Title VII of the Civil Rights Act of 1964; Americans with Disability Act (ADA) of 1990 as amended 2008; S111.36 Wis. Stat.; Mad. Ord. 39.03).

2. With respect to educational programs, no person shall be denied admission to any District school, or be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person’s sex, race, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or disability including his/her physical, mental, emotional or learning disability (§118.13 Wis. Stat.; Mad. Ord. 39.03).

[NOTE: The City of Madison defines gender expression in Madison City Ordinance Sec. 39.03 (2) (t) as follows:

Gender Identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one’s biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one’s biological or legal sex at birth;

This means that gender identity refers to an individual’s fundamental sense of themselves as being male or female, masculine or feminine. Gender identity does not always correspond to biological sex.

The City of Madison’s Ordinance Sec. 39.03 (2) (t) continues its definition of gender identity with an explanation of what is referred to as gender expression.

3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one’s biological or legal sex at birth, as when a male is perceived as

1 The District is currently involved in litigation concerning whether the Madison City Ordinances are applicable to the District. At the conclusion of the litigation this Plan may be revised to reflect the outcome of that litigation.
feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous.

This means that gender expression refers to the things like clothing and behavior that manifest a person’s fundamental sense of themselves as masculine or feminine, and male or female. This can include but not be limited to dress, posture, hairstyle, jewelry, and vocal inflection.

This policy also prohibits all forms of unlawful discrimination as defined under applicable federal, state and local laws.

3. The MMSD Board of Education’s Philosophy of Education, Section 6, and Board Policy Statement II. A .2 expressly prohibits discrimination against students. Such policy statement of non-discrimination with regard to students includes, but is not limited to, the following areas:

a. Admission or enrollments into any school, class, courses, program or activity. [This does not prohibit placing a pupil in a school, class, program, or activity based upon objective standards of individual performance or need.]

b. Interactions in the classroom, counseling, as well as with other support staff.

c. Standards and rules of behavior including pupil harassment.

d. Disciplinary actions, including suspensions and expulsions.

e. Acceptance and administration of gifts, bequests, scholarships and other aids, benefits, awards or services to pupils from private agencies, organizations or persons.

f. Instructional and library media materials selection.

g. Methods, practices and materials, attitudes and interpretations used for testing, assessment, evaluating and counseling pupils. (This does not prohibit the use of special testing or counseling materials or techniques to meet the individual needs of pupils.)

h. Facilities.

i. Opportunity for participation in athletic programs or activities.

j. School sponsored food service programs.

k. Graduation requirements.
SECTION III. HARASSMENT POLICY

A. Policy
1. The District is committed to the provision of a professional, harassment-free environment for employees, job applicants, students of the District, and to all persons who seek or receive services from the District or its contractors. The Board considers all forms of harassment, including hazing, to be unacceptable behavior because it undermines productivity in the work and academic environments, degrades, intimidates, isolates and is discriminatory. Harassment infringes upon the rights of all and creates a hostile environment for learning and working.

To ensure that all employees and students work and study in an environment free of all forms of harassment, the Board expressly prohibits harassment based on race, creed, color, sex, national origin, marital status, handicap/disabilities, religion, age, ancestry, sexual orientation, arrest/conviction record, source of income, association with a person with a disability, physical appearance, student status, political beliefs, less than honorable discharge, gender identity, gender expression and will take all the necessary steps to prevent such harassment from occurring.

Any employee or student who engages in any form of harassment will be disciplined by the appropriate authorities.

[NOTE: The City of Madison defines gender expression in Madison City Ordinance Sec. 39.03 (2) as follows:

Gender Identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one’s biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one’s biological or legal sex at birth;

This means that gender identity refers to an individual’s fundamental sense of themselves as being male or female, masculine or feminine. Gender identity does not always correspond to biological sex.

The City of Madison’s Ordinance Sec. 39.03 (2)(t) continues its definition of gender identity with an explanation of what is referred to as gender expression.

3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one’s biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous.]
Harassment is defined as: Unwanted, deliberate or repeated unsolicited comments (oral or written), gestures, graphic material, physical contacts, verbal/nonverbal or physical conduct directed to an individual because of his/her membership in a protected class constitute harassment when this conduct:

1) Has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment; or

2) Has the purpose or effect of unreasonably or substantially interfering with an individual’s work or student’s performance in school, including his/her performance in curricular, extracurricular, and nonacademic activities; or

3) Otherwise adversely affects an individual’s employment or a student’s opportunities in curriculum, extracurricular, and nonacademic activities; or

4) Submission to the conduct is made either explicitly or implicitly, a term or condition of an individual’s employment; or a student’s opportunity to obtain an education; or

5) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual or as a factor in decisions affecting the student’s education; or

6) Is sufficiently severe, persistent or pervasive that it adversely affects (1) a student’s ability to participate in or benefit from an educational program or activity or (2) an individual’s ability to work.

2. Examples of sexual and other forms of harassment may include but not limited to:
   a. Unwanted physical contact including touching, pinching and/or brushing the body.
   b. Indecent exposure, including lewd and lascivious behaviors.
   c. Persistent requests for social/sexual encounters and favors.
   d. Making inappropriate statements or jokes about students or staff because of their gender, disability, sexual preference or religion.
   e. Basing a personnel decision on an individual providing sexual favors, or an individual’s ancestry, age, political beliefs, sexual orientation, physical appearance, gender, race, religion or other protected classification as set forth above.
   f. Displaying graphic, sexually explicit objects, posters or pictures that show adolescents, women, and racial minorities, people who have disabilities or students in a degrading or humiliating manner.
   g. Obscene gestures, nonverbal suggestive behavior (leering) or insulting sounds (whistling).
h. Transmitting sexually inappropriate and/or unwanted messages or pictures via any electronic devices.

3. Any person who believes that he/she has been harassed may file a complaint with the Affirmative Action Officer of the District in accordance with the complaint procedure outlined in Section IV of this AA/EEO Plan.

4. Notification procedures of the Board's policy against illegal harassment are set forth in Section V of this Plan.

SECTION IV. DISCRIMINATION COMPLAINT PROCEDURES

A. Procedures for Resolution of Complaints

1. Applicability

   a. Anyone, including an employee, applicant for employment, student, parent or resident of the District, etc., who believes he/she has been discriminated against may file a complaint.

   b. Prior to the time a complaint has been filed, the Title IX/Affirmative Action Coordinator may meet with the person who believes he/she has been discriminated against. The purpose of such a meeting is to (1) explain this policy and procedure and (2) provide information that is in the District’s possession that the person is legally entitled to receive.

2. Filing of Complaint

   a. The complainant shall sign a written complaint and file with the Title IX/Affirmative Action Coordinator (1) within 300 days after the alleged act(s) occurred or (2) within 300 days of the last occurrence of an ongoing course of action. The Title IX/Affirmative Action Coordinator is located at the District’s Administration Office, 545 W. Dayton Street, Room 221, Madison WI 53703-1995 (Telephone: 663-1530 (V) or 663-5232 (TTY).

   A complaint shall be deemed filed on the date received if delivered, or on the date postmarked if addressed by mail.

   c. The Title IX/Affirmative Action Coordinator shall send to the complainant a written acknowledgment of the receipt of the complaint as soon as is practicable, but within ten (10) working days.

   d. The Title IX/Affirmative Action Coordinator shall establish a complaint file. The file shall contain documents pertinent to the complaint. The file should include but is not limited to: (1) the complaint, (2) documents compiled as part of the investigation and
(3) a statement of resolution. Files should be maintained confidentially for at least six years.

e. The Title IX/Affirmative Action Coordinator will give or send every complainant a copy of a prepared statement outlining the complainant’s rights and options under applicable local, state and federal anti-discrimination laws. The statement will include information about how to access administrative agencies that enforce non-discrimination laws (i.e. Department of Civil Rights Equal Opportunities Division (DCR) www.cityofmadison.com/eoc, Department of Workforce Development (DWD) www.dwd.state.wi.us, Division of Equal Rights Office for Civil Rights, Region V (OCR) www.ed.gov, and Equal Employment Opportunity Commission (EEOC) www.eeoc.gov, etc). This information is intended to assist the complainant and is not all-inclusive. The statement will advise the complainant to seek assistance in determining any of his/her rights by contacting the enforcement agencies or his/her lawyer.

3. Confidentiality and Recrimination

   a. It is the policy of the District to keep the identity of the complainant confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, then the identity of the complainant shall be kept confidential. Should the complainant wish to keep his/her identity confidential, and should it become impossible to process or investigate the complaint as a result of the complainant not disclosing his/her identity, then the complaint may be dismissed.

   b. No District employee shall attempt to restrain, interfere with, coerce, discriminate, or retaliate against the complainant(s) and their witnesses during or after the presentation, processing and resolution of a complaint.

4. Informal Complaint Resolution

   a. The District shall provide an opportunity for a resolution of the complaint on an informal basis after the complaint has been filed.

   b. For the informal resolution of a complaint, the Title IX/Affirmative Action Officer shall act as a facilitator if the complainant wishes to resolve the matter short of a full investigation. The Title IX/Affirmative Action Officer shall request the person who is alleged to be discriminating to seek a solution of the matter on an informal basis, and to respond to the complainant within 20 working days.

   c. If the alleged discriminating employee chooses not to respond to the request for an informal complaint resolution, then a formal investigation will be conducted unless otherwise agreed to by the complainant and the Title IX/Affirmative Action Coordinator.
d. If the complainant is satisfied with the response to the request for an informal complaint resolution and an informal resolution of the complaint is arrived at, the terms of such resolution shall be reduced to writing and made a part of the complaint file. If the complainant is not satisfied with the response, then the Title IX/Affirmative Action Coordinator shall proceed with the investigation.

5. Investigation

a. The District shall provide a prompt, complete, and impartial investigation of the complaint. In most cases, the Title IX/Affirmative Action Coordinator will conduct the investigation. In some cases, the investigation may be conducted by an investigative team or outside consultant. The investigative team may consist of the Affirmative Action Officer, the Title IX Officer, the Human Resources/Labor Relations staff and Legal Counsel. In all cases, the investigation shall be conducted in conjunction with the District’s Legal Counsel and/or the Director of Labor Relations.

b. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred and any policies and practices related to the situation. The investigation may also include, but is not limited to, the review of various documents and information acquired during the investigation, written or oral statements from witnesses, copies of or extracts from records, policy statements, on site visits or regulations of the District.

6. Determination and Appeal

a. After the investigation is completed, the investigator shall inform the Superintendent or Superintendent's designee of his/her determination of the complaint. The Superintendent or Superintendent's designee shall inform the Title IX/Affirmative Action Coordinator of the District's position on such determination of the complaint and the Superintendent or the Superintendent's designee shall communicate in writing such determination of the complaint to the complainant and respondent(s) within ninety (90) days from the time the complaint is filed unless an extension is agreed to by both parties.

b. After the complainant receives the Superintendent or Superintendent's designee written determination of the District's position, the complainant and/or respondent may request reconsideration of the District's position. The reconsideration request must be filed within twenty (20) working days after receipt of the determination. The written request for reconsideration must contain a statement as to why the complainant and/or respondent is not satisfied with the decision. The Superintendent or Superintendent's designee will send the complainant and/or respondent a written
acknowledgment within twenty (20) days after the Superintendent receives the reconsideration request.

c. In those cases in which the complainant and/or respondent is not satisfied with the District’s position and requests reconsideration of the decision, the District will provide the complainant and/or respondent with a copy of the investigative report. In instances in which the investigative report contains personal or confidential subject matter, the District may refuse to make available the investigative report, but will provide a synopsis of the report excluding personal or confidential materials.

d. If the complaint was filed pursuant to Wis. Stat. §118.13 (Pupil Discrimination), the Superintendent or Superintendent's designee will include in his/her letter to the complainant the fact that the complainant has a right to appeal its decision to the State Superintendent of Public Instruction. The complainant has thirty (30) days from the time he/she receives the Superintendent or Superintendent's designee's decision to appeal to the State Superintendent of Public Instruction.


A. Dissemination of the AA/EEO Plan and the Affirmative Action Policy Statement

1. The District will include the phrase "an equal employment opportunity/affirmative action employer" in all job announcements.

2. The AA/EEO Policy Statement will be posted on personnel and other relevant bulletin boards in all locations for informational purposes.

3. The Department of Human Resources in conjunction with the Affirmative Action Office will coordinate employee orientation and management/supervisory-training programs at the District level that will include a discussion of the AA/EEO Plan and Affirmative Action Policy Statement, as well as information regarding employees who have responsibilities for the implementation of the AA/EEO Plan.

4. The District will include appropriate language in contracts and grants regarding equal opportunity in employment.

5. The Superintendent will discuss with the District’s Management Team the Superintendent's commitment to equal employment opportunity and affirmative action, the intent of the Affirmative Action Policy Statement and his/her responsibility for the effective implementation of the AA/EEO Plan.
6. Principals will discuss with their management staff the Superintendent's and their commitment to equal employment opportunity and affirmative action, the intent of the Affirmative Action Policy Statement and their responsibility for the effective implementation of the AA/EEO Plan.

7. The District will inform through written publications about equal employment opportunity and affirmative action programs, progress made in the District’s Affirmative Action program, and promotions or other achievements of employees who are racial/ethnic minorities, women and persons with disabilities.

8. The District will communicate the existence of its equal employment opportunity and affirmative action programs in the policy and procedure manual. Employees will be advised of the program and how information can be obtained about such programs.

9. Copies of the AA/EEO Plan will be available at the following places:
   - Madison Public Library
   - All MMSD departments and schools
   - District's Affirmative Action Office
   - District’s Web Site

B. Dissemination of the Nondiscrimination Policy and Complaint Procedure

Notices shall be given annually of the District's Nondiscrimination Policy and Complaint Procedure to students, parents, employees, applicants seeking employment, unions and professional organizations that have agreements with the District, and the community.

1. Notification-Nondiscrimination Policy

   The following people have annual responsibility in the notification process:

   a. Each principal will include the District’s Nondiscrimination Policy in the first issue of the school newsletter.

   b. The Administrator who is responsible for disseminating public information will provide public notice of the District's Nondiscrimination Policy.

   c. The Director of Human Resources will notify all persons seeking employment by posting the Nondiscrimination Policy and including a statement of "Equal Opportunity Employer" on job applications.

   d. The Assistant Superintendent for Business Services will notify vendors seeking to do business with the District of the District’s Nondiscrimination Policy.
e. The Director of Labor Relations will notify all unions and professional organizations that have agreements with the District of the District’s Nondiscrimination Policy.

f. All persons who publish major publications will include the following statement of nondiscrimination on the title or cover page of each publication:

The Madison Metropolitan School District does not discriminate in its educational programs, related activities (including School – Community Recreation) and employment practices as applicable to local, state and federal laws.

g. The Title IX/ Affirmative Action Officer will distribute to employees pamphlets, which provide a notification of the District’s Nondiscrimination Policy, as well as information about affirmative action and sexual harassment.

h. The Title IX /Affirmative Action Officer will make available the District’s Nondiscrimination Policy, as well as material which provides information about Title IX and Wis. Stat. § 118.13.

2. Notification of the Complaint Procedure

The following people have annual responsibility in the notification process:

a. The Title IX/Affirmative Action Officer will post information about the Complaint Procedure in all administrative departments and schools. Notices that are made available to the public shall be in alternate formats. The Affirmative Action Officer will make available a telephone number that shall be TTY accessible.

b. Each principal will annually include information about the Complaint Procedure along with the District’s Nondiscrimination Policy statement in the first issue of the school newsletter and in the student and staff handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities.

c. The Administrator responsible for disseminating public information for the District will annually provide public notice of the Complaint Procedure, including the name, address and telephone number of the Title IX/Affirmative Action Officer with whom anyone can file a complaint of discrimination. The notice shall be a Class I Legal notice under Chapter 985, Wis. Stat.

SECTION VI. RESPONSIBILITY AND ACCOUNTABILITY

A. The Superintendent
The Superintendent of Schools is ultimately responsible and accountable to the Board for the AA/EEO Plan and its implementation. The Superintendent or his/her designee is responsible for providing information to governmental agencies that are empowered to audit and review the Affirmative Action Program of the District.

In order to implement this program, the Superintendent shall:

1. Appoint an Affirmative Action Officer to develop and supervise the day-to-day administration of the AA/EEO Plan;

2. Present an AA/EEO Plan to the Board of Education for its adoption;

3. Receive a quarterly workforce analysis report from the Affirmative Action Officer and make an annual workforce analysis report, including any recommendations, to the Board of Education;

4. Provide administrative guidance and direction necessary to implement the AA/EEO Plan;

5. Assign responsibility to appropriate staff to facilitate the implementation of the AA/EEO Plan;

6. Evaluate the Superintendent’s direct reports’ to determine whether they have addressed the goals and objectives incorporated in the AA/EEO Plan.

7. Meet as necessary with appropriate advisory committees to get advice and recommendations regarding affirmative action.

B. The Affirmative Action Officer

The Affirmative Action Officer is accountable to the Superintendent and is responsible for facilitating and coordinating the implementation of the AA/EEO Plan.

1. Reporting

The Affirmative Action Officer is responsible for the implementation of the auditing and reporting system which:

a. Maintains and monitors accurate and up-to-date records of all applicants, referrals, hires, promotions, transfers and terminations by race, sex and disability to ensure that all employees are treated in a nondiscriminatory fashion;

b. Reviews job postings, and selection, promotion and training procedures to ensure that they are nondiscriminatory and available in an accessible format;

c. Informs on a regular basis, the Superintendent of the effectiveness of the AA/EEO Plan and makes recommendations for improvements, if necessary; and
d. Provides quarterly reports, which include a workforce analysis that shows the number of minorities and women employees in each of six (6) major job groups in the District.

2. Planning

a. The Affirmative Action Officer will meet regularly with supervisory personnel to plan strategies to accomplish the District's affirmative action goals.

b. The Affirmative Action Officer will annually plan for and prepare an availability and utilization analysis, which the District can identify areas of underutilization of women and racial/ethnic group members.

3. Auditing

a. The Affirmative Action Officer will periodically audit applicant flow data to measure the extent to which racial/ethnic group members and women are applying for jobs in the District and whether they are appropriately progressing through the District’s hiring procedure.

b. The Affirmative Action Officer will periodically audit all applicant pools, candidate pools, screening and selection procedures to ensure racial/ethnic group members and women are represented in a way that is consistent with their availability in the relevant labor market area(s).

c. The Affirmative Action Officer may conduct other internal audits as required to determine:
   -the effectiveness of the AA/EEO Plan,
   -the degree to which the District’s goals and objectives have been achieved, and,
   -the need for a plan of action.

4. Liaison

a. The Affirmative Action Officer acts as a liaison between the District, community organizations and other interest groups relative to affirmative action issues.

b. The Affirmative Action Officer serves as a liaison with governmental compliance agencies.

c. The Affirmative Action Officer will serve as a staff liason to the Affirmative Action Advisory Committee, provide current information to the Committee on the progress of affirmative action in the District, and discuss matters of concern the Committee may raise.
5. **Providing Technical Assistance**

   a. The Affirmative Action Officer will provide technical assistance specifically to the Department of Human Resources and other organizational units within the District with respect to Affirmative Action issues.

   b. The Affirmative Action Officer will keep managers informed of the latest developments with regard to equal employment opportunity. The Affirmative Action Officer will conduct regular discussions with managers, supervisors and employees to ensure that District policy and affirmative action program objectives are being achieved.

   c. The Affirmative Action Officer will identify problems and assist management in arriving at solutions to such problems.

   d. The Affirmative Action Officer will work with the District’s Recruiter to develop strategies when there is a job group in which racial/ethnic group members or women are underrepresented based upon a comparison of their availability in the relevant labor market area(s).

6. **Complaint Resolution**

   a. The Title IX/Affirmative Action Coordinator:

      (1) Provide technical assistance to supervisors in resolving complaints/inquiries at the building level.

      (2) Serve as intake for all formal and informal discrimination complaints.

      (3) Provide for a prompt, complete and impartial investigation of discrimination complaints.

      (4) Inform the Superintendent or Superintendent's designee of his/her determination of the complaint.

      (5) File with the State Superintendent of Public Instruction the annual compliance report including the name of the employee designated to receive complaints along with the number of complaints received during the year and a description of the complaints and their status relative to pupil nondiscrimination.

      (6) File with the Superintendent and the Affirmative Action Advisory Committee an annual report on the type/status of all discrimination complaints.

C. **The Superintendent's Management Team**
It shall be the responsibility of the Superintendent's Management Team to support the implementation of the AA/EEO Plan by providing advice to the Superintendent and the Affirmative Action Officer.

When necessary, the Team shall:

1. Identify and solve problems regarding affirmative action issues,

2. Review and respond to reports prepared by the Affirmative Action Officer,

3. Respond to problems associated with the implementation of the AA/EEO Plan and assist in developing resolutions to such problems,

4. Accept as a team or as individuals, the responsibility for taking specific action for the purpose of resolving problems, and

5. Maintain management performance agreements that define action to support the District's affirmative action goals as described in the AA/EEO Plan.

D. Directors, Principals and Supervisors Empowered to Hire and Dismiss

Equal Employment Opportunity is a District priority. All administrative staff will demonstrate a good faith effort in regard to the implementation of the AA/EEO Plan. At the end of the fiscal year, each manager with hiring authority will be evaluated in part on his/her affirmative action performance by his/her immediate supervisor.

1. Coordinators, Directors, Principals, and Supervisors shall:
   b. Establish and maintain contact with the Affirmative Action Officer to discuss potential problems.

SECTION VII. EMPLOYMENT

A. Employment Procedures

1. The Director of Human Resources or his/her designee shall contact the Affirmative Action Officer at the beginning of the recruitment process to secure technical assistance in the recruitment of racial/ethnic group members and women.

2. The Human Resources Department shall keep records of each step in the employment process in order to provide information for a review by the Affirmative Action Officer. The information requested under this AA/EEO Plan shall be provided in a prompt manner.
3. The Human Resources Department shall submit to the Affirmative Action Officer for review and comment a copy of the Position Description/Vacancy Notice for all administrator positions before the Human Resources Department recruits applicants for a position.

4. The Affirmative Action Officer may review the entire employment process and make recommendations to the Superintendent including recommendations that will increase the number of racial/ethnic group members and women applicants for jobs in the job groups in which racial/ethnic group members or women are underrepresented.

5. The Human Resources Department shall review the candidates in any Candidate Pool to determine whether they are representative of minorities and women who are available in the relevant labor market area(s). If a review of the candidates in the Candidate Pool does not reflect such availability, the department will extend the posting period and broaden its recruitment efforts unless the Affirmative Action Officer indicates that a good faith effort has already been made.

6. Only job related criteria should be used in screening applicants.

7. Interview Process by Committee
   a. If a Search/Screening committee is impaneled, it should include an appropriate representation of target group members. A list of potential committee members shall be given to the Affirmative Action Officer for review prior to the committee commencing any work. The Affirmative Action Officer shall review the committee for balance with respect to race and sex.
   b. If a committee is impaneled, the Human Resources Department shall inform committee members of their responsibilities, the procedures and timetable to be followed, the District’s Affirmative Action employment goals, the members’ right to select their own committee chairperson, and give committee members’ appropriate written materials including the list of desired and required qualifications. After the Human Resources Department has provided an orientation to each candidate selected to be interviewed, the committee will interview the candidates, asking the same job related questions in the same order of each candidate. Any committee member may ask follow-up questions to clarify a candidate’s response so long as such follow-up questions do not go into issues beyond the original question and responses.
   c. Based on an evaluation of the interview, credentials, and writing sample, if required, each committee member will rate each candidate and, based on such rating, the committee may refer a number of candidates for a final interview.
   d. The chairperson will notify the Human Resources Department, which candidates are to be referred for a final interview.

8. The Final Choice
The Human Resources Department shall provide all supervisors with information regarding the District’s AA/EEO Plan including special instructions on the purpose of the AA/EEO Plan and if racial/ethnic group members or women are underrepresented in a job group for which the supervisor is interviewing prospective employees.

These instructions are meant to inform managers when there is an opportunity to make an affirmative hire.

a. The Supervisor shall review the credentials and interview each candidate that is referred.

b. During the interview, the supervisor shall ask the same job related questions of all the candidates.

c. Based on an evaluation of the interview, credentials, and writing sample (if appropriate), the most qualified candidate shall be hired.

d. All offers of employment are contingent on the completion of a successful health/physical examination, criminal background check and approval by the Board of Education.

B. Training Programs

The District's training programs whether formal or informal, shall be administered without discrimination on the basis of religion, race, color, national origin, ancestry, age, sex, physical appearance, marital status, handicap/disability, arrest or conviction record, political belief, sexual orientation, gender identity, gender expression, less than honorable discharge, source of income, the association with a person with a disability or the fact that an individual is a student.

SECTION VIII. REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

A. Purpose and Policy

State federal and local laws prohibit discrimination against job applicants and employees with disabilities. In order to ensure equal access to all terms, conditions and privileges of employment, the District will provide reasonable accommodations for qualified persons with disabilities that request such accommodations.

The Nondiscrimination Policy in the AA/EEO Plan represents a reaffirmation of the District policy to provide equal access and equal employment opportunity to all qualified individuals who have disabilities.

B. Applicability of the Affirmative Action Program
Each applicant for employment is invited to voluntarily identify himself or herself as an individual with a disability.

C. Dissemination

Internal and external notification procedures of the Board’s Nondiscrimination Policy are set forth in Section V of the AA/EEO Plan.

D. Filing a Complaint

Any person who believes he/she has been discriminated against based on his/her disability may file a complaint with the Title IX/Affirmative Action Coordinator in accordance with the complaint procedures outlined in Section VIII of this AA/EEO Plan.

The complaint process will be made available in accessible format, if requested and assistance may be obtained from the Affirmative Action Office in filing a complaint.

SECTION IX. INTERNAL AUDIT AND REPORTING SYSTEM

A. The Human Resources Department shall maintain records on all applicants for employment, referrals, hires, promotions, transfers and terminations by race, sex and disability.

Upon request by the Affirmative Action Officer, Human Resources shall compile the Affirmative Action Survey and report its finding to the Affirmative Action Officer. If requested by the Affirmative Action Officer, the following, includes but does not represent a limitation on the information that shall be made available to the Affirmative Action Officer for his/her inspection if such information is available:

1. Survey of current employees by race, sex, disability, job classification, salary or wage level,

2. Applicant flow data at each step of the selection process for new hires, promotions, transfers, by race, sex and disability,

3. Referrals for employment from external sources, by race, sex and disability,

4. Terminations, by race, sex and disability,

5. Exit-interview information, by race, sex and disability,

6. Disciplinary actions other than termination by race, sex and disability.
SECTION X. COMPLIANCE WITH GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION, NATIONAL ORIGIN OR GENDER

A. The District specifically states in its Nondiscrimination Policy a prohibition against discrimination with respect to religion and national origin.

1. To ensure nondiscrimination based on religion or national origin the following measures have been instituted.

   a. The District provides notices to the school and outside communities regarding its obligation to not discriminate and to provide equal employment opportunity without regard to a person’s religion or national origin.
   b. The District accommodates the religious observances and practices of employees or prospective employees. The extent of the District's obligation to make accommodations may be determined by, among other things, considering business necessity, costs and expenses, the collective bargaining agreements, and applicable laws and regulations.
   c. All employment advertisements include the statement that the District is an "Equal Employment Opportunity Employer."

B. The District specifically states in its nondiscrimination policy a prohibition against discrimination with respect to gender.

1. To ensure that the District does not discriminate on the basis of gender, the following measures have been instituted:

   a. The District actively recruits and hires both men and women for all jobs. Referral sources are informed that the District has no specific set preference and seeks only qualified applicants without regard to gender.
   b. All employment advertisements include the statement that the District is an "Equal Employment Opportunity Employer."
   c. The District has made efforts to ensure that all employees regardless of their gender have as equal opportunity for any job for which they are qualified. Gender is not considered a bona fide occupational qualification for any job within the District.

C. Anyone who feels that he/she has been discriminated against based on religion, national origin and/or gender may file a complaint in accordance with the complaint procedure outlined in Section IV of this Plan.

SECTION XI. QUESTIONS AND ANSWERS

Q: What is Equal Employment Opportunity/Affirmative Action?

A: Equal Employment Opportunity means that all individuals must receive equal treatment in all employment activities (e.g., hiring, training, or promotion). Each person is to be evaluated on his or her ability to do the job, and must not be subjected to discrimination.
The District's Affirmative Action Plan outlines additional efforts that will be made to increase employment opportunities for women and members of racial/ethnic groups for the purpose of eliminating underutilization in certain job groups.

There are laws that promote equal opportunities by prohibiting discrimination. Some of those laws are Executive Order 11246 (as amended by 11375) and Section 503 of the Rehabilitation Act of 1973. In addition to the above, a number of federal statutes prohibit discrimination, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, and the Americans with Disabilities Act of 1990 as amended (ADAAA 2008), Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. City of Madison Ordinances and MMSD Board of Education Policy 8012 and 8005 also prohibit discrimination.

Q: **What groups are protected from discrimination?**

A: There are a number of groups that are included in the protected category. Some examples of the protected classes include, but are not limited to:

- Race
- Gender
- Creed
- Age
- Handicap/Disability
- Sexual orientation
- Arrest or conviction record
- Marital status
- Student’s status
- Gender identity
- Gender expression
- Religion
- Physical appearance
- Ancestry
- Less than honorable discharge
- National origin
- Political beliefs
- Disability
- Source of income
- Color

Q: **What is the role of the Office of Affirmative Action?**

A: The major responsibilities of the Office of Affirmative Action are to implement the District’s AA/EEO Plan and to educate the District’s community about affirmative action and equal employment laws.
The Affirmative Action Officer:

- Ensures that MMSD employment policies and programs comply with relevant regulations and guidelines. The regulations and guidelines include those of the Office of Federal Contract Compliance Programs (OFCCP) [www.dol.gov](http://www.dol.gov), Equal Employment Opportunity Commission (EEOC), [www.eeoc.gov](http://www.eeoc.gov), the Department of Education’s Office for Civil Rights (OCR) [www.ed.gov](http://www.ed.gov), and the Wisconsin Fair Employment Law among others.

- Participates in developing District policy pertaining to equal employment opportunity and affirmative action.

- Designs and implements auditing and reporting systems to measure the effectiveness of the AA/EEO Plan.

- Identifies areas of discrimination or inequity and recommends the appropriate corrective action.

- Develops action-plans to attain established goals and objectives.

Q: **What can I do if I feel that I have been discriminated against?**

A: All persons including employees, students and those doing business with the District may obtain information regarding their rights and proper procedures for the resolution of complaints by contacting the Office of Affirmative Action at 663-1530 or e-mail acanderson@madison.k12.wi.us. If you believe you have experienced discrimination, including harassment of any type or hazing, you may file a complaint with the Title IX/Affirmative Action Coordinator. Inquiries, informal resolutions, and formal complaints may be handled confidentially. You may also file a complaint with the local, state or federal agency that has the responsibility to investigate complaints of discrimination.

Q: **What other services does the Office of Affirmative Action provide?**

A: The Office of Affirmative Action:

- Assists in the recruitment strategies of racial/ethnic group members and women,
- Provides training and workshops for students, staff, and volunteers on affirmative action, diversity, harassment, nondiscrimination, disability awareness, homophobia, and hiring procedures,
- Provides information related to affirmative action and employment practices at MMSD,
- Reviews and approves certain District employment procedures to ensure nondiscrimination in the interviewing and placement of employees, and
- Processes internal discrimination complaints.

Q: **What is sexual harassment?**

A: Sexual harassment is a form of sexual-discrimination that violates city, state, and federal laws. Sexual harassment is defined as uninvited and unwelcome sexual advances, requests
for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment or progress in curricular, extracurricular, and nonacademic activities, or such conduct has the purpose or effect of creating an intimidating, hostile or offensive work or school environment. Sexual harassment includes conduct directed by a person at another person of the same or opposite gender.

Q: **What is harassment?**

A: Harassment is any unwelcome, deliberate or unsolicited comments, gestures, display of graphic materials, physical contacts or solicitation of favors, which is based on being a member of a protected class when, for example, the conduct has the purpose or effect of substantially interfering with an individual’s working or learning performance or creating an intimidating, hostile or offensive environment.

Q: **What are some examples of hostile environment relative to sexual harassment?**

A: A hostile environment related to sexual harassment may include unwelcome cartoons or posters of a sexual nature, transmission of unwelcome and/or sexually inappropriate messages sent from electronic devices, vulgar or lewd conduct, unwanted touching, pinching, brushing the body, fondling or obscene gestures, nonverbal suggestive behavior (leering) or insulting sounds (whistling).

Q: **What should I do if I am being harassed?**

A: Here are some steps to take if you feel you are being harassed:

**SAY NO CLEARLY** - Inform the harasser that his/her attention is unwanted. Make it clear that you find the behavior offensive and you want it to stop. If it persists, contact the **Affirmative Action Officer**, inform school authorities or write a letter/memorandum to the harasser asking him/her to stop. Keep a copy or inform school authorities.

**DOCUMENT THE HARASSMENT** - Write down each incident including dates, times, witnesses (if any) and places. Detail what happened and include your response. This information will be needed if you need to take further action.

**FILE A COMPLAINT** - If the harassment does not stop after notifying the harasser or if you are not satisfied with your school authorities’ efforts to resolve the situation, you may file a complaint with the Affirmative Action Officer of the District in accordance with the complaint procedure outlined in this Plan.

Q: **What has the District done to prevent harassment in the learning and working environment?**

A: The District, in an effort to prevent illegal harassment, has taken the following steps:

1. Developed and published an ILLEGAL HARASSMENT POLICY (Board Policy 8012);
2. Implemented a procedure for students, parents, employees, applicants for employment and the general public to follow if they feel they have been the victim of illegal harassment, and;
3. Conducts District-wide illegal harassment prevention training for all staff.

Q: **What are some important facts you should know if you believe that you are being harassed?**

A: Some important facts to know about harassment:

1. The victim as well as the harasser may be a male or female. The victim does not have to be of the opposite sex.
2. The harasser's conduct must be unwelcome.
APPENDIX A

LABOR FORCE IDENTIFICATION

A. Labor Force Data

Employment goals are the most crucial part of the Affirmative Action Plan because they represent a guide for employment activity under the AA/EEO Plan.

To determine if an employment goal should be established for hiring racial/ethnic group members and/or women, their representation in the District’s workforce is compared to their availability in the relevant labor market area(s). This process includes three steps: 1) establishing major job groups, 2) determining the number of racial/ethnic group members and women who are employed in those job groups, and 3) comparing the number of racial/ethnic group members and women who are employed in those job groups to the number of racial/ethnic group members and women who are qualified and available to be hired in those job groups who are in the relevant labor market area(s).

If the number of racial/ethnic group members or women in the relevant labor market area(s) who are qualified and available to be hired in the District’s job groups exceeds the number of racial/ethnic group members or women in the District’s job groups, there is an under-representation of racial/ethnic group members or women. Under-representation is defined as having fewer racial/ethnic group members or women in a particular job group than would reasonably be expected by their availability in the relevant labor market area(s) relative to that job group.

Availability is defined as the percentage of all qualified racial/ethnic group members and women in a reasonable recruitment area(s) who can be employed in a particular job group or who are capable of acquiring the skills to be employed in such job group. The District has set an employment goal for hiring women and racial/ethnic group members in job groups in which under-representation exists. The District’s obligation is to demonstrate a "good faith effort" to achieve the goal of having the number of racial/ethnic group members or women employed in the major job groups that would be expected by their availability in the relevant labor market area(s).

The District’s determination of under-representation is neither a finding nor an admission of discrimination.
Comparing the Workforce Analysis conducted December 8, 2010, with the Availability Analysis, the District’s workforce utilization in the following job categories were:

<table>
<thead>
<tr>
<th>Job Category</th>
<th>Availability</th>
<th>District’s Utilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minority Administrative</td>
<td>11.2%</td>
<td>16.0%</td>
</tr>
<tr>
<td>Female Administrative</td>
<td><strong>68.8%</strong></td>
<td><strong>54.7%</strong></td>
</tr>
<tr>
<td>Female Professional (Certified Teachers &amp; Support Staff)</td>
<td>73.4%</td>
<td>79.5%</td>
</tr>
<tr>
<td>Minority Professional (Certified Teachers &amp; Support Staff)</td>
<td><strong>12.5%</strong></td>
<td><strong>9.7%</strong></td>
</tr>
<tr>
<td>Minority Clerical/Technical/Security/BRS</td>
<td>11.1%</td>
<td>23.7%</td>
</tr>
<tr>
<td>Female Clerical/Technical/Security/BRS</td>
<td>57.1%</td>
<td>68.1%</td>
</tr>
<tr>
<td>Minority Food Service</td>
<td>17.5%</td>
<td>27.3%</td>
</tr>
<tr>
<td>Female Food Service</td>
<td>60.8%</td>
<td>94.1%</td>
</tr>
<tr>
<td>Minority Educational Assistants</td>
<td>11.7%</td>
<td>15.3%</td>
</tr>
<tr>
<td>Female Educational Assistants</td>
<td>81.3%</td>
<td>86.4%</td>
</tr>
<tr>
<td>Minority Custodial/Maintenance/Trades</td>
<td>11.4%</td>
<td>16.5%</td>
</tr>
<tr>
<td>Female Custodial/Maintenance/Trade</td>
<td><strong>29.5%</strong></td>
<td><strong>19.3%</strong></td>
</tr>
</tbody>
</table>

Comparing the Workforce Analysis conducted December 8, 2010, with the Availability Analysis, the District is underutilized in the following job groups:

<table>
<thead>
<tr>
<th>Job Category</th>
<th>Availability</th>
<th>District’s Utilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female Administrative</td>
<td><strong>68.8%</strong></td>
<td><strong>54.7%</strong></td>
</tr>
<tr>
<td>Minority Professional (certified Teachers &amp; Support Staff)</td>
<td><strong>12.5%</strong></td>
<td><strong>9.7%</strong></td>
</tr>
<tr>
<td>Female Custodial/Maintenance/Trade</td>
<td><strong>29.5%</strong></td>
<td><strong>19.3%</strong></td>
</tr>
</tbody>
</table>
MMSD Job Groups

The District has established six major job groups.

A. **Administrative - Managers**
   
   The jobs in this job group are administrative in nature. These personnel set policies, exercise overall responsibility for execution of these policies, and direct individual departments or District operations. This job group includes officials, executives, directors, lawyers, principals, comptrollers, middle level managers, coordinators, supervisors, accountants, purchasing and payroll managers and other salaried positions who are members of management.

   - Administrative - Managers
   - Administrative Personnel
   - Principals & Assistant Principals
   - Managers & Supervisors
   - Coordinators

B. **Professional (Certified Teachers & Support Staff)**

   The jobs in this job group require that a person be a college graduate and have state certification/licensure. The jobs in this job group include classroom teachers, librarians, counselors, social workers, psychologists, nurses, nurse practitioners, physical and occupational therapists, and guidance counselors.

   - Professional – Classroom Teachers
   - Support Staff

C. **Administrative Support Workers (Clerical/Technical/Security/Bilingual Resource Specialists)**

   The jobs in this job group include clerical type of work, such as work done by secretaries, typists, clerks, etc. Technical jobs are also included in this job group. Employees who work in technical jobs have knowledge of system technology, standards for computer hardware/software, application tools, enterprise/data bases, computer networking, network design, computer peripherals and information systems. Technical jobs include computer operators, computing analysts, computer programmers, computing specialists, computer technicians, program analysts, programmers and user services specialists. Bilingual Resource Specialists are included in this job group. They support the educational program because of their ability to speak two languages by acting as a translator or interpreter, and providing direct instructional assistance to students who do not speak English. The jobs in this job group also include employees who provide security. Security jobs require that individuals assist in maintaining order in the schools, such as intervening in altercations between students.

   - Clerical/Technical/Security
   - Bilingual Resource Specialists
D. **Custodial/Maintenance/Trades**
The jobs in this job group include custodial jobs. These jobs include laborers that perform tasks, such as lifting, digging, mixing, loading, and cleaning. Maintenance jobs are in this job group. Trades jobs are also included in this job group. Such jobs include skilled craft workers such as painters, carpenters, painters, plumbers and electricians.
- Maintenance
- Trades

E. **Food Service Workers**
The jobs in this job group include individuals who have knowledge of how to produce food on a large scale, operate commercial kitchen equipment and have the ability to ensure timely heating and serving of meals. Food service workers include food service workers, bakers and cooks.

F. **Educational Assistants**
The individuals who do the jobs in this job group provide assistance to teachers and students as part of the educational program. They include teaching assistants, nursing assistants and assistants for children with disabilities.
## AVAILABILITY FACTOR ANALYSIS BY JOB GROUP

**JOB CATEGORY:** ADMINISTRATORS

<table>
<thead>
<tr>
<th>Number</th>
<th>Factor</th>
<th>Raw Statistics</th>
<th>Weighted Factor</th>
<th>Reason for Value Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Percentage of Minorities in labor market area which is a reasonable recruitment area (U.S.)</td>
<td>34.4</td>
<td>0</td>
<td>This factor is not applicable.*</td>
</tr>
<tr>
<td>1B</td>
<td>Percentage of Women in the labor market area which is a reasonable recruitment area (U.S.)</td>
<td>59</td>
<td>0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>2</td>
<td>Percentage of Minorities and Women unemployed in labor market area in a reasonable recruitment area (U.S.)</td>
<td>9.3</td>
<td>0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>3</td>
<td>Percentage of Minorities and Women in total workforce in immediate labor market area (WI).</td>
<td>12.8</td>
<td>0</td>
<td>Women and minorities who have the requisite skills within the immediate labor market area.</td>
</tr>
<tr>
<td>4</td>
<td>Percentage of Minorities and Women among those having requisite skills in immediate labor market area (WI).</td>
<td>5.3</td>
<td>23.0</td>
<td>12.3</td>
</tr>
<tr>
<td>5</td>
<td>Percentage of Minorities and Women among those having requisite skills in reasonable recruitment area (U.S.)</td>
<td>23.0</td>
<td>10.0</td>
<td>5.1</td>
</tr>
<tr>
<td>6</td>
<td>Percentage of Minorities and Women among those promotable or transferable within facility (MMSD)</td>
<td>11.5</td>
<td>67.7</td>
<td>51.4</td>
</tr>
<tr>
<td>7</td>
<td>Percentage of Minorities and Women at institutions providing training in requisite skills.</td>
<td>N/A</td>
<td>0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>8</td>
<td>Percentage of Minorities and Women among those at facility whom contractor can train in requisite skills.</td>
<td>N/A</td>
<td>0</td>
<td>This factor is not applicable.</td>
</tr>
</tbody>
</table>

**TOTAL GOAL/FINAL AVAILABILITY (PERCENTAGE)**

| Total | 100.0 | 11.2 | 68.8 |

* Several factors are not applicable to the determination of the value weight relative to establishing an employment goal for Administrators.
## AVAILABILITY FACTOR ANALYSIS BY JOB GROUP

**JOB CATEGORY:** PROFESSIONALS (Certified Teachers & Support Staff)

<table>
<thead>
<tr>
<th>Number</th>
<th>Factor</th>
<th>Total Minority</th>
<th>Total Female</th>
<th>Value Weight</th>
<th>Minority</th>
<th>Female</th>
<th>Reason for Value Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Percentage of Minorities in labor market area which is a reasonable recruitment area. (U.S)</td>
<td>34.4</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.*</td>
<td></td>
</tr>
<tr>
<td>1B</td>
<td>Percentage of Women in the labor market area which is a reasonable recruitment area (U.S.)</td>
<td></td>
<td>59.1</td>
<td>0</td>
<td></td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Percentage of Minorities and Women unemployed in labor market area in a reasonable recruitment area (U.S.).</td>
<td>9.3</td>
<td>5.4</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Percentage of Minorities and Women in total workforce in immediate labor market area (WI).</td>
<td>12.8</td>
<td>47.3</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Percentage of Minorities and Women among those having requisite skills in immediate labor market area (WI).</td>
<td>7.3</td>
<td>72.8</td>
<td>66.7</td>
<td>4.9</td>
<td>Women and minorities who have the requisite skills within the immediate labor market area.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Percentage of Minorities and Women among those having requisite skills in reasonable recruitment area (U.S.)</td>
<td>23.0</td>
<td>75.3</td>
<td>33.0</td>
<td>7.6</td>
<td>Women and minorities who have the requisite skills in a reasonable recruitment area.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Percentage of Minorities and Women among those promotable or transferable within facility (MMSD)</td>
<td>9.4</td>
<td>81.0</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Percentage of Minorities and Women at institutions providing training in requisite skills.</td>
<td>10.0</td>
<td>79.0</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Percentage of Minorities and Women among those at facility whom contractor can train in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL (GOAL) FINAL AVAILABILITY (PERCENTAGE)**

|            | 100.0 | 12.5 | 73.4 |

*Several factors are not applicable to the determination of the value weight relative to establishing an employment goal for Professionals (Certified Teachers & Support Staff)*
# AVAILABILITY FACTOR ANALYSIS BY JOB GROUP

**JOB CATEGORY:** CLERICAL/TECHNICAL/SECURITY/BILINGUAL RESOURCE SPECIALIST (BRS)

<table>
<thead>
<tr>
<th>Number</th>
<th>Factor</th>
<th>Total Minority</th>
<th>Total Female</th>
<th>Value Weight</th>
<th>Minority</th>
<th>Female</th>
<th>Reason for Value Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Percentage of Minorities in labor market area which is</td>
<td>12.8</td>
<td></td>
<td>0</td>
<td>0</td>
<td></td>
<td>This factor is not applicable.*</td>
</tr>
<tr>
<td></td>
<td>a reasonable recruitment area. (WI)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1B</td>
<td>Percentage of Women in the labor market area which is a合理 recruitment area (WI).</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td></td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>2</td>
<td>Percentage of Minorities and Women unemployed in labor market area in a reasonable recruitment area (WI).</td>
<td>10.2</td>
<td>5.4</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>3</td>
<td>Percentage of Minorities and Women in total workforce in immediate labor market area (Dane).</td>
<td>13.4</td>
<td>47.3</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>4</td>
<td>Percentage of Minorities and Women among those having requisite skills in immediate labor market area (Dane.).</td>
<td>11.0</td>
<td>58.5</td>
<td>67.8</td>
<td>7.5</td>
<td>39.7</td>
<td>Women and minorities who have the requisite skills within the immediate labor market area.</td>
</tr>
<tr>
<td>5</td>
<td>Percentage of Minorities and Women among those having requisite skills in reasonable recruitment area (WI.)</td>
<td>11.1</td>
<td>54.2</td>
<td>32.2</td>
<td>3.6</td>
<td>17.4</td>
<td>Women and minorities who have the requisite skills in a reasonable recruitment area.</td>
</tr>
<tr>
<td>6</td>
<td>Percentage of Minorities and Women among those promotable or transferable within facility (MMSD)</td>
<td>23.1</td>
<td>75.5</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>Women and minorities promotable from within MMSD.</td>
</tr>
<tr>
<td>7</td>
<td>Percentage of Minorities and Women at institutions providing training in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>8</td>
<td>Percentage of Minorities and Women among those at facility whom contractor can train in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td></td>
<td>TOTAL (GOAL) FINAL AVAILABILITY (PERCENTAGE)</td>
<td>100.0</td>
<td></td>
<td></td>
<td>11.1</td>
<td>57.1</td>
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</tr>
</tbody>
</table>

*Several factors are not applicable to the determination of the value weight relative to establishing an employment goal for Clerical/Technical/Security/BRS.
## AVAILABILITY FACTOR ANALYSIS BY JOB GROUP

**JOB CATEGORY:** FOOD SERVICE

<table>
<thead>
<tr>
<th>Number</th>
<th>Factor</th>
<th>Total Minority</th>
<th>Total Female</th>
<th>Value Weight</th>
<th>Minority</th>
<th>Female</th>
<th>Reason for Value Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Percentage of Minorities in labor market area which is a reasonable recruitment area (WI).</td>
<td>12.8</td>
<td>.00</td>
<td>0</td>
<td>.00</td>
<td>This factor is not applicable.*</td>
<td></td>
</tr>
<tr>
<td>1B</td>
<td>Percentage of Women in the labor market area which is a reasonable recruitment area (WI.)</td>
<td>47.3</td>
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<td>0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Percentage of Minorities and Women unemployed in labor market area in a reasonable recruitment area (WI).</td>
<td>10.2</td>
<td>5.4</td>
<td>0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Percentage of Minorities and Women in total workforce in immediate labor market area (Dane).</td>
<td>10.1</td>
<td>48.3</td>
<td>0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Percentage of Minorities and Women among those having requisite skills in immediate labor market area (Dane.).</td>
<td>15.9</td>
<td>52.0</td>
<td>79.0</td>
<td>12.6</td>
<td>Women and minorities who have the requisite skills within the immediate labor market area.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Percentage of Minorities and Women among those having requisite skills in reasonable recruitment area (WL).</td>
<td>14.6</td>
<td>64.2</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Percentage of Minorities and Women among those promotable or transferable within facility (MMSD)</td>
<td>23.5</td>
<td>94.1</td>
<td>21.0</td>
<td>4.9</td>
<td>Women and minorities promotable from within MMSD.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Percentage of Minorities and Women at institutions providing training in requisite skills.</td>
<td>11.0</td>
<td>48.0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Percentage of Minorities and Women among those at facility whom contractor can train in requisite skills.</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td>This factor is not applicable.</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>(GOAL) FINAL AVAILABILITY (PERCENTAGE)</strong></td>
<td><strong>100.0</strong></td>
<td><strong>17.5</strong></td>
<td><strong>60.8</strong></td>
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<td></td>
<td><strong>This factor is not applicable.</strong></td>
</tr>
</tbody>
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*Several factors are not applicable to the determination of the value weight relative to establishing an employment goal for Food Service.*
# AVAILABILITY FACTOR ANALYSIS BY JOB GROUP

**JOB CATEGORY:** CUSTODIAL/MAINTENANCE/TRADES

<table>
<thead>
<tr>
<th>Number</th>
<th>Factor</th>
<th>Total Minority</th>
<th>Total Female</th>
<th>Value Weight</th>
<th>Minority</th>
<th>Female</th>
<th>Reason for Value Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Percentage of Minorities in labor market area which is a reasonable recruitment area. (WI)</td>
<td>12.8</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>This factor is not applicable.*</td>
</tr>
<tr>
<td>1B</td>
<td>Percentage of Women in the labor market area which is a reasonable recruitment area (WI.)</td>
<td></td>
<td>47.3</td>
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<td>0</td>
<td>0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>2</td>
<td>Percentage of Minorities and Women unemployed in labor market area in a reasonable recruitment area (WI).</td>
<td>10.2</td>
<td>48.3</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>3</td>
<td>Percentage of Minorities and Women in total workforce in immediate labor market area (Dane).</td>
<td>10.1</td>
<td>49.5</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>4</td>
<td>Percentage of Minorities and Women among those having requisite skills in immediate labor market area (Dane.).</td>
<td>11.4</td>
<td>29.5</td>
<td>100</td>
<td>11.4</td>
<td>29.5</td>
<td>Women and minorities who have the requisite skills within the immediate labor market area.</td>
</tr>
<tr>
<td>5</td>
<td>Percentage of Minorities and Women among those having requisite skills in reasonable recruitment area (WI.)</td>
<td>10.3</td>
<td>14.0</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>Women and minorities who have the requisite skills in a reasonable recruitment area.</td>
</tr>
<tr>
<td>6</td>
<td>Percentage of Minorities and Women among those promotable or transferable within facility (MMSD)</td>
<td>16.8</td>
<td>20.3</td>
<td>0</td>
<td>0.0</td>
<td>0.0</td>
<td>Women and minorities promotable from within MMSD.</td>
</tr>
<tr>
<td>7</td>
<td>Percentage of Minorities and Women at institutions providing training in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td>This factor is not applicable.</td>
</tr>
<tr>
<td>8</td>
<td>Percentage of Minorities and Women among those at facility whom contractor can train in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td>This factor is not applicable.</td>
</tr>
</tbody>
</table>

**TOTAL (GOAL)FINAL AVAILABILITY (PERCENTAGE)**

<table>
<thead>
<tr>
<th>Minority</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.4</td>
<td>29.5</td>
</tr>
</tbody>
</table>

*Several factors are not applicable to the determination of the value weight relative to establishing an employment goal for Custodial/Maintenance/Trades.
# AVAILABILITY FACTOR ANALYSIS BY JOB GROUP

**JOB CATEGORY: EDUCATIONAL ASSISTANTS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Factor</th>
<th>RAW STATISTICS</th>
<th>WEIGHTED FACTOR</th>
<th>Reason for Value Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total Minority</td>
<td>Value</td>
<td>Minority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Female</td>
<td>Weight</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Minority</td>
<td>Female</td>
</tr>
<tr>
<td>1A</td>
<td>Percentage of Minorities in labor market area which is a reasonable recruitment area. (WI)</td>
<td>12.8</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1B</td>
<td>Percentage of Women in the labor market area which is a reasonable recruitment area (WI.)</td>
<td>47.3</td>
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<td>0.0</td>
</tr>
<tr>
<td>2</td>
<td>Percentage of Minorities and Women unemployed in labor market area in a reasonable recruitment area (WI).</td>
<td>10.2</td>
<td>5.4</td>
<td>0.0</td>
</tr>
<tr>
<td>3</td>
<td>Percentage of Minorities and Women in total workforce in immediate labor market area (Dane).</td>
<td>10.1</td>
<td>48.3</td>
<td>0.0</td>
</tr>
<tr>
<td>4</td>
<td>Percentage of Minorities and Women among those having requisite skills in immediate labor market area (Dane.).</td>
<td>7.3</td>
<td>75.3</td>
<td>47.2</td>
</tr>
<tr>
<td>5</td>
<td>Percentage of Minorities and Women among those having requisite skills in reasonable recruitment area (WL)</td>
<td>5.0</td>
<td>75.3</td>
<td>0.0</td>
</tr>
<tr>
<td>6</td>
<td>Percentage of Minorities and Women among those promotable or transferable within facility (MMSD)</td>
<td>15.8</td>
<td>86.7</td>
<td>52.8</td>
</tr>
<tr>
<td>7</td>
<td>Percentage of Minorities and Women at institutions providing training in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td>0.0</td>
</tr>
<tr>
<td>8</td>
<td>Percentage of Minorities and Women among those at facility whom contractor can train in requisite skills.</td>
<td>N/A</td>
<td>N/A</td>
<td>0.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>100.0</td>
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<td>11.7</td>
</tr>
</tbody>
</table>

*Several factors are not applicable to the determination of the value weight relative to establishing an employment goal for Educational Assistants.*
## EMPLOYEE JOB GROUP PROFILE

**Job Group: MMSD FULL-TIME/PART-TIME**

<table>
<thead>
<tr>
<th>Job Titles</th>
<th>Total Employees</th>
<th>MALES</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Administrator</td>
<td>137</td>
<td>52</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>63</td>
<td>9</td>
<td>3</td>
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<tr>
<td>Professional/Professional Support Staff</td>
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<td>16</td>
<td>5</td>
<td>1829</td>
<td>42</td>
<td>77</td>
<td>44</td>
<td>13</td>
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</tr>
<tr>
<td>Clerical/Technical/Security/BRS</td>
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<td>107</td>
<td>19</td>
<td>9</td>
<td>18</td>
<td>1</td>
<td>262</td>
<td>10</td>
<td>45</td>
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<td>1</td>
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<td>0</td>
<td>93</td>
<td>12</td>
<td>14</td>
<td>8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Custodial/Maint./Trades</td>
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<td>167</td>
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<td>3</td>
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<td>1</td>
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<td>3</td>
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<td>113</td>
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<table>
<thead>
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<th>Total Minority Male/Female</th>
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</thead>
<tbody>
<tr>
<td>Administrator</td>
<td>22</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional/Professional Support Staff</td>
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<td></td>
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<td>Clerical/Technical/Security/BRS</td>
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<td>Food Service</td>
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</tr>
<tr>
<td>Custodial/Maint./Trades</td>
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</tr>
</tbody>
</table>

W – White  A – Asian  
B – Black  AI – American Indian  
H – Hispanic
## EMPLOYEE JOB GROUP PROFILE

### Job Group: ADMINISTRATORS

#### 4th QUARTER/YEAR-END REPORT
Apr. 1-Jun 30, 2011

<table>
<thead>
<tr>
<th>Job Titles</th>
<th>Total Employees</th>
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<th></th>
<th></th>
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<th>FEMALES</th>
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<td>W</td>
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<td>A</td>
<td>AI</td>
<td></td>
<td>W</td>
<td>B</td>
<td>H</td>
<td>A</td>
<td>AI</td>
</tr>
<tr>
<td>Superintendent &amp; Asst. Supt. (s)</td>
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<td>2</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>Superintendent Admin Staff</td>
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<td>0</td>
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W – White  A – Asian  B – Black  AI – American Indian  A – Hispanic

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# EMPLOYEE JOB GROUP PROFILE

**Job Group: PROFESSIONAL (Certified Teachers & Support Staff)**

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W – White  
A – Asian  
B – Black  
AI – American Indian  
H – Hispanic
## EMPLOYEE JOB GROUP PROFILE

**Job Group:** CLERICAL/TECHNICAL/SECURITY/BR5

**4th QUARTER/YEAR-END REPORT**  Apr-Jun 2011

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W – White    A – Asian    H-Hispanic
B – Black    AI – American Indian
### Job Title: FOOD SERVICE

**4th QUARTER/YEAR-END REPORT**
 Apr- Jun 2011

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**Total Minority**

Male/Female

**Total Female**

(All Races)

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### EMPLOYEE JOB GROUP PROFILE

**Job Group: CUSTODIAL/MAINTENANCE/TRADES**

#### 4th QUARTER/YEAR-END REPORT
Apr-Jun 30, 2011

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W – White  A – Asian  
B – Black  AI – American Indian  
H – Hispanic
# EMPLOYEE JOB GROUP PROFILE

## Job Group: EDUCATIONAL ASSISTANTS

### 4th QUARTER/YEAR-END REPORT
Apr-Jun 30, 2011

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W – White
A – Asian
B – Black
AI – American Indian
H – Hispanic
APPENDIX B
IDENTIFICATION OF THE PROBLEM AREAS, GOALS AND ACTION PLANS

A. Problem Areas

The District has identified three problem areas. Such problem areas are the (1) under representation of staff of color in the Professionals: certified teachers and support staff job group, (2) under representation of females in the administrative job group and under representation of females in the custodial/maintenance trades’ job group.

B. Goals and Plans of Action

PROFESSIONALS STAFF OF COLOR : (CERTIFIED TEACHERS and SUPPORT STAFF, hereinafter “teachers of color”)

GOAL: Increase the representation of teachers of color in the District that reflects their availability in the relevant labor market area(s) for this job group.

PLAN OF ACTION:

a. The Affirmative Action Officer will work with the District’s Recruiter to develop strategies to identify universities and colleges where educators/teachers of color have attended in larger percentages than other universities and colleges.

b. The Affirmative Action Officer will assist the District’s Recruiter in the development of a recruitment plan that includes an aggressive marketing strategy that targets potential teacher of color applicants.

c. The Affirmative Action Officer will assist employees and supervisors in the resolution of conflicts, which arise as a result of cultural or racial differences.

d. The Affirmative Action Officer will assist employees and supervisors by making information available to them relative to increasing their sensitivity and awareness of cultural differences.

e. The Affirmative Action Officer will work with the Human Resources Department to design a survey to measure the employment climate of the District as seen by teachers of color.

f. The Affirmative Action Officer will continue to monitor the workplace to ensure a harassment-free environment.

g. The Affirmative Action Officer will work with the Human Resources Department to design an exit questionnaire that gathers important data regarding their work experiences with the District.

h. The Affirmative Action Officer will conduct Exit Interviews for teachers of color who leave teaching positions.

i. The Affirmative Action Officer will work with the District to identify and eliminate barriers in the hiring and retention of teachers of color.

j. The Affirmative Action Officer will review applicant flow data to ensure that teacher of color applicants are receiving appropriate consideration in the employment process.

FEMALE ADMINISTRATORS

GOAL: Increase the representation of female administrators in the District that reflects their availability in the relevant labor market area(s) for this job group.

PLAN OF ACTION:
a. The Affirmative Action Officer will review and analyze position descriptions to ensure that they accurately reflect the job requirements of administrative positions.
b. The Affirmative Action Officer will expand the advertising for the employment of women in administrative positions.
c. The Affirmative Action Officer will ensure that publications created by the District include pictures of women.
d. The Affirmative Action Officer will assist the District’s Recruiter in the development of a recruitment plan that includes an aggressive marketing strategy that targets potential female applicants for administrative positions.
e. The Affirmative Action Officer will continue to monitor the workplace to ensure a harassment-free environment.
f. The Affirmative Action Officer will conduct Exit Interviews of females who leave administrative positions.
g. The Affirmative Action Officer will work with the District to identify and eliminate barriers in the hiring and retention of females in administrative positions.
h. The Affirmative Action Officer will review applicant flow data to ensure that female applicants for administrative positions are receiving appropriate consideration in the employment process.

**FEMALE CUSTODIAL/ MAINTENANCE/TRADES**

**GOAL:** Increase the representation of female custodial/maintenance/trades in the District that reflects their availability in the relevant labor market area(s) for this job group.

**PLAN OF ACTION:**

a. The Affirmative Action Officer will assist the Building Services in developing and establishing an employment register for permanent custodial/maintenance/trades that include females.
b. The Affirmative Action Officer will identify potential job applicants and ensure that they are made aware of job openings they may be interested in and qualified for.
c. The Affirmative Action Officer will continue to monitor the workplace to ensure a harassment-free environment.
d. The Affirmative Action Officer will conduct exit interviews of staff leaving the District to ascertain whether artificial barriers played a role.
e. The Affirmative Action Officer will identify and correct any artificial barriers to equal employment opportunities.
f. The Affirmative Action Officer will assist employees and supervisors in the resolution of conflicts, which arise from cultural differences.
g. The Affirmative Action Officer and/or Human Resources will offer training and technical assistance to Building Services administrators regarding creating professional and harassment-free work environments.

The Affirmative Action Officer will develop an instrument to monitor and gauge the work climate, with particular emphasis being placed upon the perceptions of females in the custodial/maintenance/trades job group. The Affirmative Action Officer will analyze the work climate data to inform and improve training opportunities for custodial/maintenance/trades employees.
APPENDIX C
DEFINITIONS

**Affirmative Action:** Any action that is taken by an employer to:
   a) Prevent unlawful employment discrimination, and
   b) To remedy the effects of past employment practices which may have excluded the appointment and promotion of ethnic/racial minorities and women at various levels of the work force.

**Affirmative Action Plan:** A written plan outlining the course of action to be taken to implement the affirmative action program.

**Availability Analysis:** Is defined as the percentage of minorities and women who reside within the labor market area and who have the skills required for entry into a specific job group, or who are capable of acquiring them. Persons who are available are those who are qualified to perform the work or who are capable of acquiring the skills to be qualified to perform the work.

**Equal Employment Opportunity:** A term that describes a work environment that is free of unlawful employment discrimination. All persons are treated fairly and equally in accordance with applicable Federal, State and local laws.

**Goals and Timetables:** Goals are defined as the percentage of women and minorities who should be employed in a particular job group based on a utilization analysis. Timetables are the dates by which the employer intends to reach the goals.

**Harassment:** Is unwanted, deliberate or repeated unsolicited comments (oral or written), gestures, display of graphic material, physical contacts, verbal/nonverbal or physical conduct directed to an individual because of his/her membership in a protected class constitute harassment when this conduct:
   a) Has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment; or
   b) Has the purpose or effect of unreasonably or substantially interfering with an individual’s work or student’s performance in school, including his/her performance in curricular, extracurricular, and nonacademic activities; or
   c) Otherwise adversely affects an individual’s employment or a student’s opportunities in curriculum, extracurricular, and nonacademic activities; or
   d) Submission to the conduct is made either explicitly or implicitly, a term or condition of an individual’s employment; or a student’s opportunity to obtain an education; or
   e) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual or as a factor in decisions affecting the student’s education; or
   f) Is sufficiently severe, persistent or pervasive that it adversely affects (1) a student’s ability to participate in or benefit from an educational program or activity or (2) an individual’s ability to work.

Examples of harassment may include but is not limited to:
   a) Unwanted physical contact including touching, pinching and/or brushing the body.
   b) Indecent exposure, including lewd and lascivious behaviors.
c) Persistent request for social/sexual encounters and favors.
d) Making inappropriate statements or jokes about students or staff because of their protective status, (e.g. gender, disability, sexual preference, race, religion, etc).
e) Basing a personnel decision on someone’s providing sexual favors, or someone’s protected status (e.g. ancestry, age, political beliefs, physical appearance, religion, etc).
f) Displaying graphic, sexually explicit objects, posters or pictures that show adolescents, women, and racial minorities, people who have disabilities or students in a degrading or humiliating manner.
g) Obscene gestures, nonverbal suggestive behavior (leering) or insulting sounds (whistling).

**Person with a Disability:** An individual with a disability is defined as any person who:
a) Has a physical or mental impairment which substantially limits one or more of such person's major life activities,
b) Has a record of such impairment, or
c) Is regarded as having such impairment.

**Major Job Groups:** Is defined as a group of jobs which (1) share the same or similar certification or licensing requirements, (2) have a similar work day, work schedule, and work location, (3) have similar duties and skills, (4) share a similarity with respect to wages, hours and working conditions and/or (5) have the same purpose. The establishment of major job groups is the first step in performing a utilization analysis.

**Labor Market Area:** The geographic area from which the District recruits applicants for employment, the labor market area may be different for major job groups.

For the purpose of this Plan, the following labor market areas have been established:
a) For clerical/technical, custodial/maintenance, food service and Educational Assistants the immediate labor market area is Dane County and the reasonable recruitment area is the southwester sector of the state of Wisconsin (Ozaukee, Milwaukee, Washington and Waukesha Counties)
b) For administrators and other professional staff (including teachers), the immediate labor market area is the state of Wisconsin and the reasonable recruitment area is the United States.

** Preferential Treatment:** To give preference to one class of workers or applicants over another class of workers or applicants because of their disability, sex, race or other protected classification. Preferential treatment is most often used as it relates to affirmative action efforts to bring about parity. Title VII, Civil Rights Act of 1964, as amended, does not require preferential treatment because of an imbalance in the employer's work force. However, a court under the Civil Rights Act of 1964, as amended, can order preferential treatment if there has been a finding of unlawful employment discrimination.

**Protected Classifications:** Legally identified groups that are specifically protected by statute against employment discrimination. Examples of protected classifications are race, gender, disability, etc.

**Race/Ethnic Identification:** Are race/ethnic designations that are used by the various civil rights agencies. Such designations do not denote scientific definitions of anthropological origins. For the purpose of this Plan, an employee may be included in the group to which he or she should belong, identifies with, or is regarded in a community as belonging to. However, no person shall be counted in more than one race/ethnic group. The race/ethnic categories used for this Plan have been developed by the Federal Government (i.e., the Office of Management and Budget (OMB) circular #32) and include:
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a) **White** (W): A person having origins in any of the original peoples of Europe, North Africa, the Indian Subcontinent, or the Middle East.

b) **Black** (B): A person having origins in any of the Black racial groups of Africa.

c) **Hispanic** (H): A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultural or origin regardless of race.

d) **Asian or Pacific Islander** (A): A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.

e) **Native American or Alaskan Native** (NA): A person having origin in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

**Religion:** For the purpose of this Plan, religion is defined as all aspects of religious observance and practice as well as belief.

**Remedial Action:** Any action that is taken by an employer to remedy the effects of past employment practices which may have excluded the appointment and promotion of ethnic/racial minorities and women at various levels of the work force.

**Selection Process:** The process used to recruit, interview, and/or appoint applicants for employment or promote employees.

**Sexual Orientation:** Shall include homosexuality, heterosexuality, and bisexuality by preference or practice.

**Target Group Members:** For the purpose of this Plan, target group members are defined as racial/ethnic minorities, women and individuals who have disabilities.

**Underutilization:** Is defined as having fewer minorities or women in a particular job group than would be reasonably expected by their availability in the labor market area.

**Unlawful Employment Discrimination:** Unfair treatment or denial of normal privileges because of a person’s race, gender or other protected classification. Conduct which denies a person an opportunity, such as a job, because of his race or other protected classification

**Utilization Analysis:** Is defined as a comparison of the number of minorities and women who are employed in a particular job group to the number of qualified minorities and women who are available in the relevant labor market area to be employed in such job group.

**Value Weight:** Value weight is a numerical measure to determine the relative importance of recruiting qualified minorities and women from the relevant labor market area(s) and through promotion to establish their availability to fill positions in a job group.

**Workforce Analysis:** Is defined as a statistical analysis which provides an overall employment profile of the District. The workforce analysis, among other things, will reflect the number of minorities and women employed by the District in the six major job groups.
References

X  Title IX of the Education Act 1972  www.ed.gov/offices/ocr/publications
X  Age Discrimination Act of 1975  www.dol.gov
X  Age Discrimination in Employment Act of 1967  www.eeoc.gov
X  Americans with Disabilities Act of 1990  www.usdoj.gov
X  Title VI and VII, Civil Rights Act of 1964, as Amended  www.dol.gov
X  Equal Pay Act of 1963  www.eeoc.gov
X  Rehabilitation Act of 1973, Section 503 and 504  www.usdoj.gov
X  Wisconsin Fair Employment Act, Chapter 111, Subchapter II, Wisconsin State Statutes  www.legis.state.wi.us/rsb/statutes.html
X  Madison General Ordinances  www.cityofmadison.com