



North Idaho College

Board of Trustees Meeting

June 26, 2024

Edminster Student Union Building

Mission statement: North Idaho College meets the diverse educational needs of students, employers, and the northern Idaho communities it serves through a commitment to student success, educational excellence, community engagement, and lifelong learning.

AGENDA

6:00PM Lake Coeur d’Alene Room / Zoom: <https://nic.zoom.us/j/87571954373>

- Convene/Call to Order/Verification of Quorum Mike Waggoner
- Pledge of Allegiance Mike Waggoner
- Message from Chair..... Mike Waggoner
- Celebrating Success: Summer 2024 Enrollment.....Nick Swayne / Lloyd Duman / Tami Haft
- **PRESIDENT’S REPORT** Nick Swayne
- **INFORMATION ITEMS**
 - Center for New Directions Nick Swayne / Louisa Rogers
 - Athletics Update..... Nick Swayne / Shawn Noël
 - Finance Quarterly Update Nick Swayne / Sarah Garcia
 - Human Resources UpdateNick Swayne
 - Enrollment Update.....Nick Swayne
- **CONSENT AGENDA**
 - Tab 1: Action: Approve Board Regular Meeting Minutes for May 22, 2024 Mike Waggoner
- **NEW BUSINESS**
 - Tab 2: First Reading/Discussion: Policy 3.02.01 Equal Opportunity..... Nick Swayne / Colleen Hamilton
- Public Comment* Mike Waggoner
- **REMARKS FOR THE GOOD OF THE ORDER**
- **ADJOURN**

* The NIC Board values hearing the views and opinions of the public on agenda topics and will listen carefully and take this input into consideration when making decisions. As a general rule, trustees will not respond to public comment. All public comments should be directed to the Board Chair. The Board recognizes the rights of citizens to express critical comments about the Board. However, attacks on individual board members are not acceptable. In addition, the public does not have the right to comment on personnel issues or to disrupt the meeting of the Board. The Board Chair has the discretion to interrupt a speaker in the event the individual’s remarks address personnel matters or are disruptive. In the interest of a timely meeting, the Board Chair may end public comment at any time after 30 minutes.

The Board will take comment on agenda items from members of the public who attend in person, and

Board of Trustees Regular Meeting | June 26, 2024

commenters will be limited to two minutes per person with no “giving of time” to others. A sign-in sheet will be provided at the entrance to the meeting room and will be collected by 6:00PM (even if the open session convenes later). No advance requests for public comment will be accepted. Remarks are subject to [NIC Policy 2.01.03](#):

“Each public citizen wishing to address the Board on the agenda shall provide his or her name, and the agenda subject on which they wish to comment. Public comment shall be limited as determined by the Board Chair. The Board of Trustees may listen to such public comments but is not obligated to provide responses. If the matter presented requires additional dialogue or action, the Board of Trustees may direct that the matter be placed on the Board’s future agenda for further discussion and review. The decision to allow public participation in the meeting is the sole discretion of the Board Chair.”

Individuals interested in providing public comment outside of the meeting may send an email to the board of trustees at board@nic.edu.

Tab 1

BOARD OF TRUSTEES MEETING
June 26, 2024

TAB 1

SUBJECT: Consent Agenda Items


BACKGROUND:

Included as Tab 1 are the Board Regular Meeting Minutes with Addenda for May 22, 2024.

SUGGESTED MOTION FOR BOARD ACTION

[Board Member] make the motion to approve Consent Agenda items as presented.

Prepared by: Suzy Scura
Board Clerk

 **North Idaho College**
BOARD OF TRUSTEES MEETING
Edminster Student Union Building
May 22, 2024
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair Mike Waggoner called the meeting to order at 5:10 p.m. and verified that a quorum was present.

ATTENDANCE

Trustees: Todd Banducci
Brad Corkill
Greg McKenzie
Mike Waggoner
Tarie Zimmerman

Also present: Nick Swayne, President
Colton Boyles, College Attorney
Brittney Adams, Panel Counsel
Kelly Drew, Panel Counsel

Following a statement from Chair Waggoner, Trustee Corkill made the motion to go into executive session pursuant to Idaho Code § 74-206(1)(f) Litigation. Discussion: Idaho Supreme Court Appellate Case No. 51168-2023 (ref District Court Case No. CV28-22-7712 Swayne v. North Idaho College et al.) The motion was seconded by Trustee McKenzie. The motion succeeded in obtaining the required two-thirds minimum votes with the following roll call vote results:

Todd Banducci	Aye
Brad Corkill	Aye
Greg McKenzie	Aye
Mike Waggoner	Aye
Tarie Zimmerman	Aye

The meeting was recessed at 5:15 p.m.

CALL TO ORDER AND VERIFICATION OF QUORUM

Following Executive Session, Chair Waggoner reconvened the meeting at 6:01 p.m. and verified that a quorum was present. He then led the Pledge of Allegiance.

ATTENDANCE

Trustees: Todd Banducci
Brad Corkill
Greg McKenzie
Mike Waggoner
Tarie Zimmerman

Also present: Nick Swayne, President
Colton Boyles, College Attorney

Message From the Chair

Chair Waggoner remarked on the College’s recent commencement activities, the Board’s progress regarding accreditation issues, and he thanked the faculty and staff for a great 90th year of North Idaho College.

Celebrating Success

Associate Dean of Nursing & Health Professions Erlene Pickett introduced two former nursing students, ADN Hunter Kruger and RN, BSN Lauren Hansen. They each shared success stories following their graduation from NIC.

PRESIDENT’S REPORT

President Swayne gave detailed reports on multiple topics related to his goals and College accreditation. Discussion followed. His presentation on enrollment management is included as an addendum to these minutes.

INFORMATION ITEMS

TRiO Update

TRiO Director Becky Cochran provided information on the College’s TRiO program. Her presentation is included as an addendum to these minutes.

Area Agency on Aging Update

Sage Stoddard, Director of the Area Agency on Aging, provided an overview of the services her organization provides.

Head Start Update

Head Start Director Beth Ann Fuller provided a general overview of the Head Start program. Her presentation is included as an addendum to these minutes.

Security Audit and/or Contractor Update

President Swayne gave an update regarding the ongoing search for an appropriate security audit contractor.

CONSENT AGENDA

Trustee Corkill made the motion to approve the Consent Agenda (Tabs 1 and 2) as presented. The motion was seconded by Trustee Zimmerman. Chair Waggoner called for the vote. The motion passed with five votes in favor.

Todd Banducci	Aye
Brad Corkill	Aye
Greg McKenzie	Aye
Mike Waggoner	Aye
Tarie Zimmerman	Aye

OLD BUSINESS

Tab 3: Second Reading / Action: Endorse the Strategic Plan Goal Statements

Vice President of Finance and Business Affairs Sarah Garcia presented the second reading of the Strategic Plan Goal Statements. Following questions and comments from the Trustees, Trustee Corkill made the motion to endorse the Strategic Plan Goal Statements as presented. Trustee Zimmerman seconded the motion. With no further discussion, Chair Waggoner called for the vote. The motion passed with five votes in favor.

Todd Banducci	Aye
Brad Corkill	Aye
Greg McKenzie	Aye

Mike Waggoner	Aye
Tarie Zimmerman	Aye

Tab 4: Second Reading / Action: Approve General Fund Operating Budget FY25

Sarah Garcia presented a second reading of the FY25 General Fund Operating Budget. Trustee Banducci commented and made the motion to strike all funding, for this year’s budget, to all area Chambers of Commerce and the EDC, formerly Jobs Plus. Trustee McKenzie seconded the motion. Following discussion, Chair Waggoner called for a roll call vote. The motion failed with one vote in favor, four votes against.

Todd Banducci	Aye
Brad Corkill	Nay
Greg McKenzie	Nay
Mike Waggoner	Nay
Tarie Zimmerman	Nay

Following further discussion, Trustee Zimmerman made the motion to approve the FY25 General Fund Operating Budget as presented in the board packet. Trustee Corkill seconded the motion. With no discussion, Chair Waggoner called for the vote. The motion passed with five votes in favor.

Todd Banducci	Aye
Brad Corkill	Aye
Greg McKenzie	Aye
Mike Waggoner	Aye
Tarie Zimmerman	Aye

NEW BUSINESS

Executive Session Actions

Following a statement from Chair Waggoner, Attorney Boyles read a motion agreed upon by the Trustees in an earlier executive session. The motion was read as follows:

Without waiving the attorney client privilege, and based upon the advice of counsel, and for the beneficial affects a dismissal will likely have on North Idaho College’s accreditation standing, I move to authorize panel counsel to dismiss the appeal in Case No. 51168-2023 in reference to the District Court Case No. CV28-22-7712 Swayne v. North Idaho College et al.

Trustee Corkill made the motion which was seconded by Trustee Zimmerman. Following discussion, Chair Waggoner called for the vote. The motion passed with three votes in favor, two votes against.

Todd Banducci	Nay
Brad Corkill	Aye
Greg McKenzie	Nay
Mike Waggoner	Aye
Tarie Zimmerman	Aye

Following the vote, Trustee McKenzie requested that the motion be reread. Attorney Boyles repeated the motion. Chair Waggoner asked Trustee McKenzie if he would like to change his vote. Trustee McKenzie changed his vote to Aye. The motion passed with four votes in favor, one vote against.

Todd Banducci	Nay
Brad Corkill	Aye

Greg McKenzie	Aye
Mike Waggoner	Aye
Tarie Zimmerman	Aye

PUBLIC COMMENT

Name	Topic
Caryn Shepler	Budget
Michael McGowan	Accreditation
Robert Shepler	Accreditation
Cruz Morales	Budget
Pat Clevenger	Budget

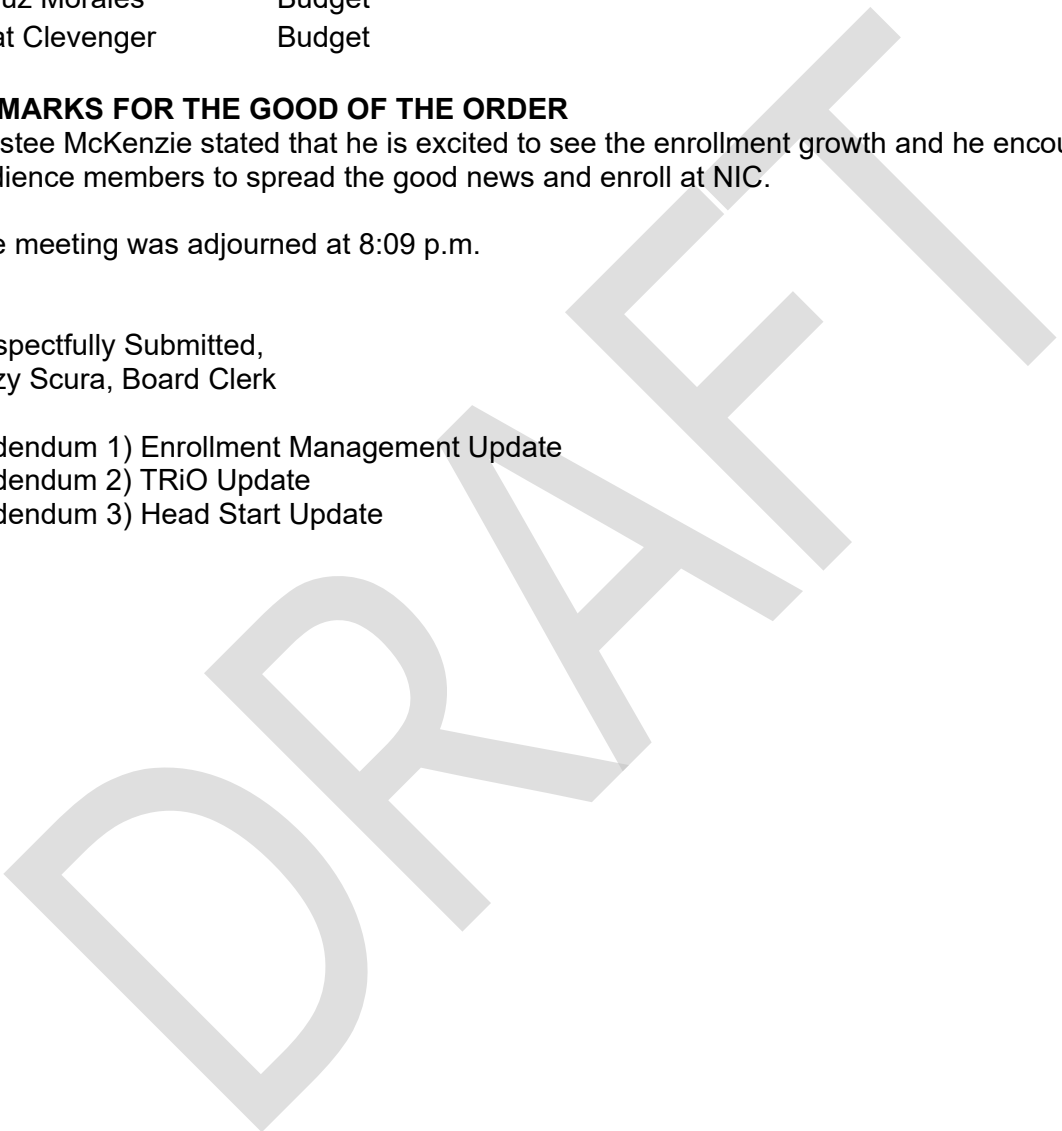
REMARKS FOR THE GOOD OF THE ORDER

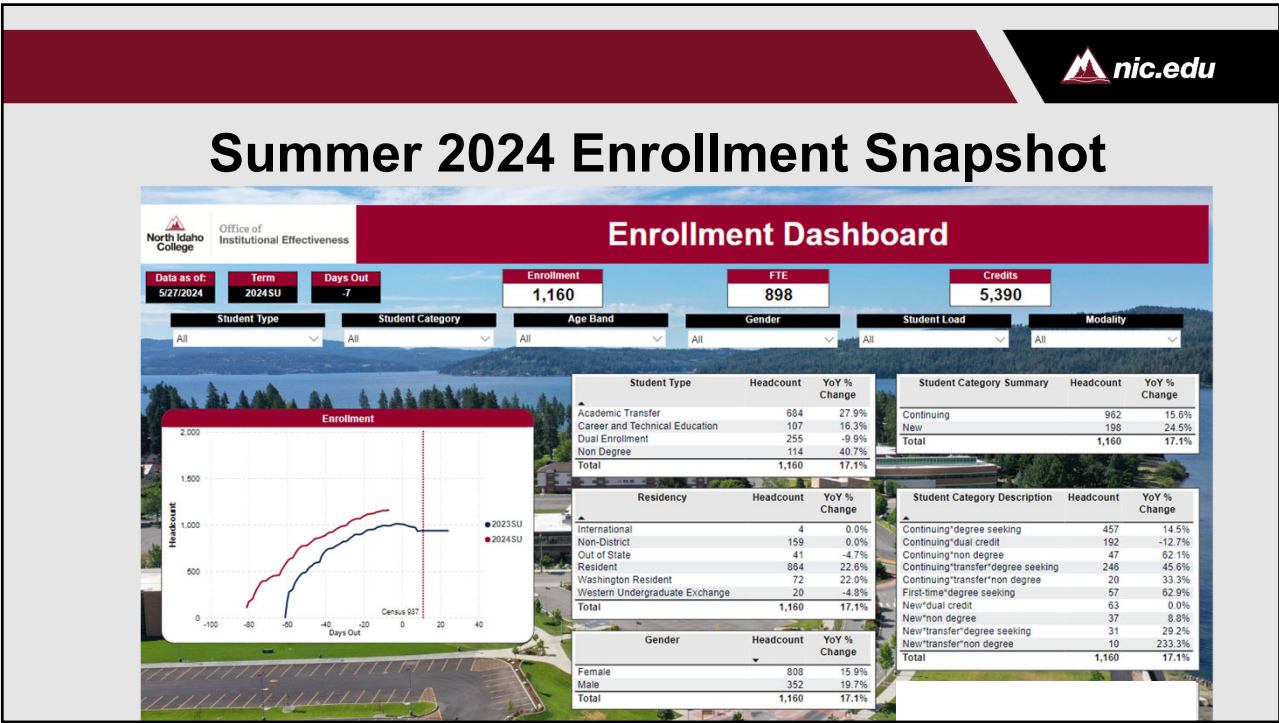
Trustee McKenzie stated that he is excited to see the enrollment growth and he encouraged the audience members to spread the good news and enroll at NIC.

The meeting was adjourned at 8:09 p.m.

Respectfully Submitted,
Suzy Scura, Board Clerk

Addendum 1) Enrollment Management Update
Addendum 2) TRiO Update
Addendum 3) Head Start Update







Fall 2024 Enrollment Snapshot

Office of Institutional Effectiveness

Enrollment Dashboard

Data as of:
5/27/2024

Term:
2024FA

Days Out:
-84

Enrollment
2,244

FTE
1,363

Credits
20,441

Student Type
All

Student Category
All

Age Band
All

Gender
All

Student Load
All

Modality
All

Enrollment

Student Type	Headcount	YoY % Change
Academic Transfer	1,282	8.6%
Career and Technical Education	277	14.0%
Dual Enrollment	521	-16.4%
Non Degree	164	20.6%
Total	2,244	2.8%

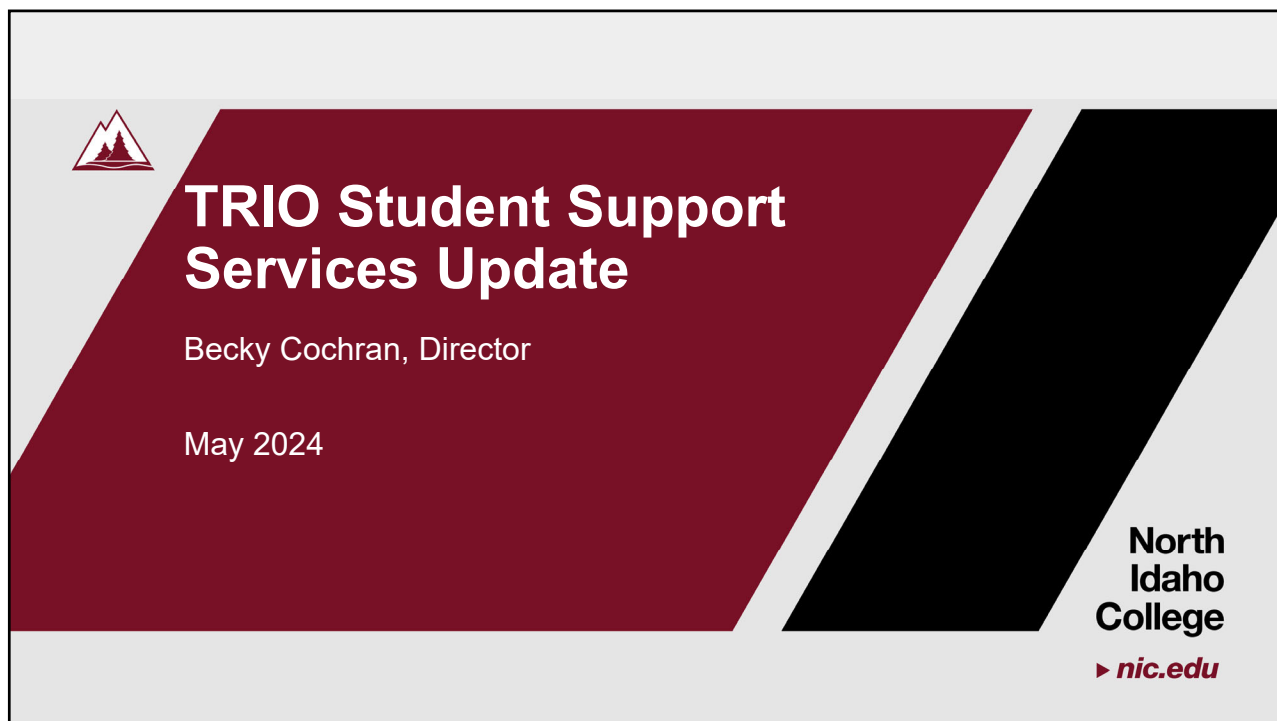
Student Category Summary	Headcount	YoY % Change
Continuing	1,797	-0.5%
New	447	18.9%
Total	2,244	2.8%

Residency	Headcount	YoY % Change
International	25	212.5%
Non-District	382	-5.9%
Out of State	102	36.0%
Resident	1,563	4.4%
Washington Resident	117	-13.3%
Western Undergraduate Exchange	55	-11.3%
Total	2,244	2.8%


Student Category Description	Headcount	YoY % Change
Continuing*degree seeking	772	-1.2%
Continuing*dual credit	389	-17.1%
Continuing*non degree	118	13.5%
Continuing*transfer*degree seeking	485	12.8%
Continuing*transfer/non degree	33	50.0%
First-time*degree seeking	264	40.4%
New*dual credit	132	-14.3%
New/non degree	12	33.3%
New*transfer*degree seeking	36	53.3%
New*transfer/non degree	1	0.0%
Total	2,244	2.8%

Gender	Headcount	YoY % Change
Female	1,513	4.9%
Male	731	-1.3%
Total	2,244	2.8%

2



The slide features a maroon and black geometric design. In the top left corner, there is a small logo of a mountain and trees. The main title is in large white font on a maroon background. Below the title, the director's name and the date are listed. In the bottom right corner, the North Idaho College logo and website are displayed.

 **TRIO Student Support Services Update**

Becky Cochran, Director

May 2024

North Idaho College
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The slide has a maroon header with the North Idaho College logo and website. The main title 'TRIO' is in large black letters with a red vertical bar in the 'I', and 'STUDENT SUPPORT SERVICES' is in red below it. A bulleted list follows.

 nic.edu

TRIO
STUDENT SUPPORT SERVICES

- TRIO is a federally funded academic assistance program serving 160 students; grant award is over \$294,000 each academic year.
- **Our mission: assist participating students to persist, complete a certificate or associate degree, and transfer to a 4-year institution.**
- TRIO partners with other NIC programs (Veterans, Center for New Directions, Disability Support Services, etc.) to provide support and services to underrepresented students.

Who qualifies for TRIO?

A student must be:

- A US Citizen or legal resident
- Intending to pursue a bachelor's degree

AND at least one of the following:

- First-generation college student
- Low-income
- Student with a disability



What services does TRIO provide?



Pumpkin patch visit, Fall 2023

- Academic and transfer advising
- Computer lab
- Career exploration
- Peer tutoring & mentoring
- Study coaching
- Club & cultural events
- Financial aid assistance
- Referrals to scholarships
- Other resources and supports
- The **real magic** to TRIO is the supportive relationships students build!

TRIO WORKS!

Check out these statistics:

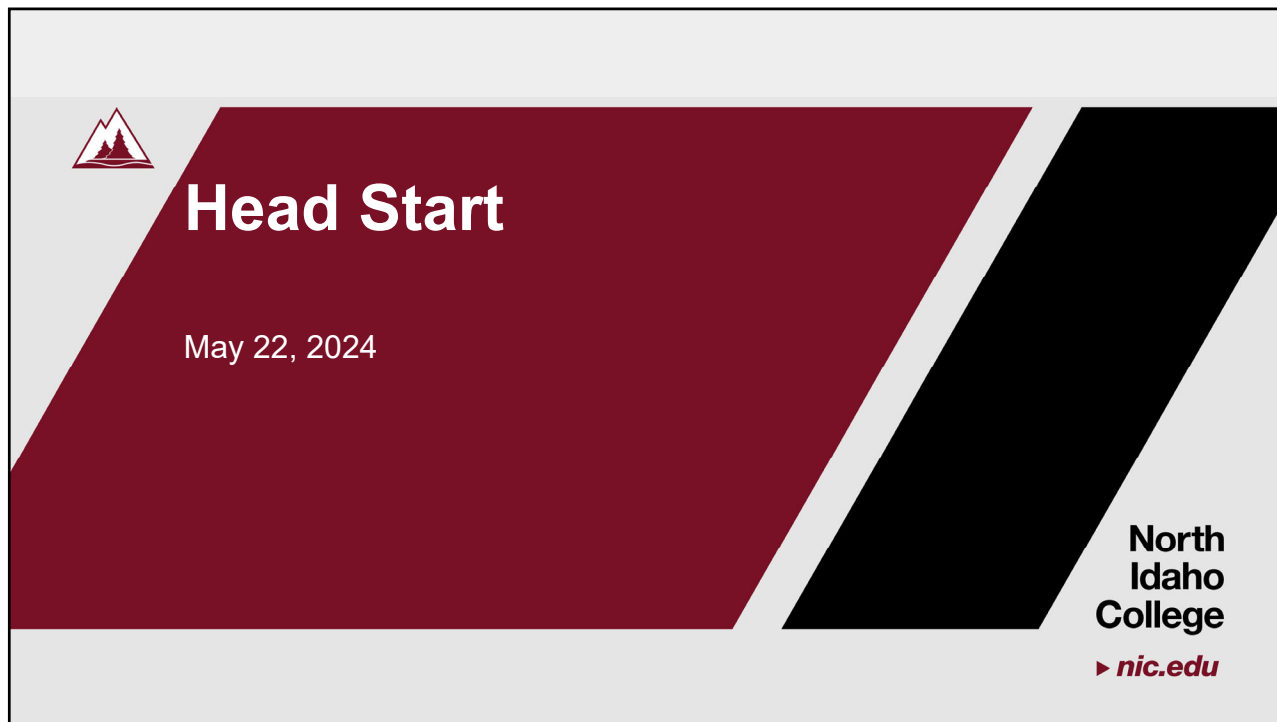
For low-income community college students:	Percent who persisted into 2nd year of college	Percent who graduated with a certificate or associate degree within 4 years
National Average*	60%	20%
NIC TRIO Participants	86% (FA2021-FA2022)	52% (FA2018 cohort)

* Torres, R., and J. Brown. "The Role of Community Colleges in Postsecondary Success." <https://studentclearinghouse.info>


The TRIO Student Support Services grant at NIC is funded through August 31, 2025

- Grant re-write is in progress; proposal is due 7/15/2024 and if approved, would provide funding for 5 additional years (2025-2030).
- TRIO grants are highly competitive!
- TRIO has consistently earned 'Prior Experience Points' each year for exceeding the grant's stated objectives.



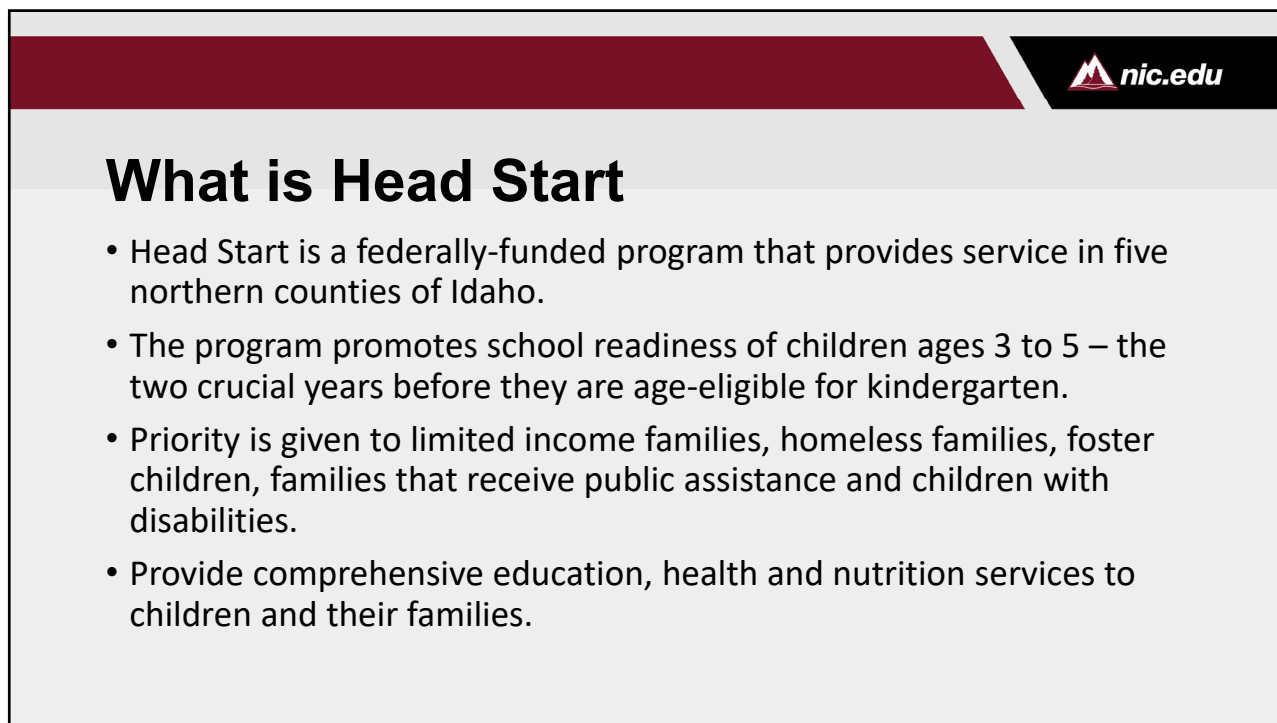


The slide features a dark red background on the left and a black background on the right, separated by a white diagonal line. In the top left corner, there is a small logo of a mountain and trees. The text 'Head Start' is prominently displayed in white on the red background, with the date 'May 22, 2024' below it. In the bottom right corner, the text 'North Idaho College' is written in white, with the website '► nic.edu' below it.


 **Head Start**

May 22, 2024

North Idaho College
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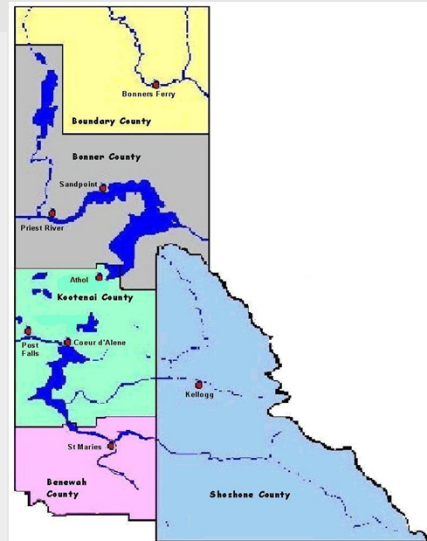
The slide has a dark red header bar on the left and a black header bar on the right containing the 'nic.edu' logo. The main content area is light gray. The title 'What is Head Start' is in bold black text. Below the title is a bulleted list of four points describing the program.

 **What is Head Start**

- Head Start is a federally-funded program that provides service in five northern counties of Idaho.
- The program promotes school readiness of children ages 3 to 5 – the two crucial years before they are age-eligible for kindergarten.
- Priority is given to limited income families, homeless families, foster children, families that receive public assistance and children with disabilities.
- Provide comprehensive education, health and nutrition services to children and their families.

Locations

Boundary County	Julien Bucher Early Learning Center
Bonner County	Sandpoint Head Start
Kootenai County	Community Early Learning Center
	Harding Head Start
	Lakeland Head Start
	Post Falls Head Start
	NIC Children's Center
Benewah County	St. Maries Head Start
	UpRiver Head Start
Shoshone County	Shoshone Head Start



FA Two Federal Monitoring Review

- Review was held the week of March 11.
- Program deemed compliant in Fiscal, Program Design and Management (which includes Shared Governance).
- Strong practice notations for Education and Child Development, Eligibility, Recruitment, Selection, Enrollment and Attendance, Health Services, Family and Community Engagement Services.
- One minor non-compliance item noted. Working on resolution.

NIC Head Start Statistics

- Served 259 students through the program in 2024
 - 30% of enrolled families have experienced homelessness this school-year.
 - 15% of enrolled children have identified disabilities.
 - More than 90% of families accessed nutrition education, health education and parenting curriculum services
- FY25 COLA increase – 2.35% increase to wage and fringe.
- New Head Start center in Fernwood, Idaho. Opened May 14.

Tab 2

BOARD OF TRUSTEES MEETING
June 26, 2024

TAB 2

SUBJECT: New Business

BACKGROUND:

Included as Tab 2a is the "clean" view of Policy 3.02.01 (Equal Opportunity) showing the recommended revised policy.

Included as Tab 2b is the "redline" view of Policy 3.02.01 (Equal Opportunity) showing the tracked changes to the prior version.

Included as Tab 2c for reference only is the associated Procedure 3.02.01 that is no longer relevant and will be deleted.

SUGGESTED MOTION FOR BOARD ACTION

[Board member] make the motion to approve Policy 3.02.01 (Equal Opportunity) as presented.

Prepared by: Suzy Scura
Board Clerk

Draft Policy

Policy # 3.02.01

Effective Date MM/DD/2024

<p><i>(Impact Area - Dept Name)</i></p> <p>Employees</p>	<p><i>(General Subject Area)</i></p> <p>Conditions of Employment</p>	<p><i>(Specific Subject Area)</i></p> <p>Equal Opportunity</p>
	<p>Author:</p>	<p>Supersedes Policy # 3.02.01</p>
<p>Relates to Procedure #</p>	<p>Impact:</p>	
<p>Legal Citation (if any): Idaho Code § 67-5909A (Acts Prohibited-Public Employment-Public Education, Idaho Human Rights Act, as amended), Idaho Code § 67-501 et seq. (Rights and Privileges of Veterans), Equal Pay Act of 1963, Titles VI and VII of the Civil Rights Act of 1964, as amended, Executive Order 11246 as amended by Executive Orders 11375, 13365 and 13672 (Equal Employment Opportunity), The Age Discrimination in Employment Act of 1967, as amended (ADEA), Title IX of the Educational Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Vietnam Era Veterans Readjustment Assistance Act of 1974, Title 1 of the American with Disabilities Act of 1990, as amended (ADA), Sections 102 and 103 of the Civil Rights Act of 1991, Veterans Employment Opportunities Act of 1998, Genetic Information Nondiscrimination Act of 2008 (GINA), The Pregnant Workers Fairness Act of 2022 (PWFA)</p>		
<p><i>North Idaho College</i></p>		

PURPOSE

The purpose of this policy is to express North Idaho College (NIC) commitment to comply with federal and state laws as an equal opportunity employer.

STATEMENT OF INTENT ON EQUAL OPPORTUNITY

NIC prohibits discrimination of any type and affords equal opportunity to applicants for employment and employees without regard to race, color, religion, national origin, sex (including pregnancy and related conditions, gender identity or expression, and sexual orientation), age (40 or older), disability status, genetic information or veteran status in

accordance with applicable federal and state laws.

To afford everyone equal opportunity without discrimination, NIC pledges:

1. To recruit, employ, compensate, train, and promote people in all areas of the work force (administration, faculty, staff, and students) on an equal and impartial basis.
2. To base employment decisions on the principles of equal opportunity.
3. To ensure that promotion decisions are in accordance with principles of equal opportunity by imposing only documented, job related requirements for promotional opportunities.
4. To ensure that all personnel matters, such as compensation, benefits, transfers, layoffs, returns from layoff, leave, NIC sponsored training, education, tuition assistance, and social and recreational programs, are administered without regard to the factors specified above.

AUTHORITY AND RESPONSIBILITIES

NIC adheres to both the intention and the specifics of all relevant federal and state laws.

- Equal Pay Act of 1963
- Titles VI and VII of the Civil Rights Act of 1964, as amended
- Executive Order 11246 as amended by Executive Orders 11375, 13365 and 13672 (Equal Employment Opportunity)
- The Age Discrimination in Employment Act of 1967, as amended (ADEA)
- Title IX of the Educational Amendments of 1972
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Vietnam Era Veterans Readjustment Assistance Act of 1974
- Title 1 of the American with Disabilities Act of 1990, as amended (ADA)
- Sections 102 and 103 of the Civil Rights Act of 1991
- Veterans Employment Opportunities Act of 1998
- Genetic Information Nondiscrimination Act of 2008 (GINA)
- The Pregnant Workers Fairness Act of 2022 (PWFA)
- Idaho Code § 67-5909A (Acts Prohibited-Public Employment-Public Education, Idaho Human Rights Act, as amended)
- Idaho Code § 67-501 et seq. (Rights and Privileges of Veterans) or
- Any other federal, state or local law requiring equal opportunity for federally designated groups and all persons within our society

The President and Chief Human Resource Officer (CHRO) have the authority and responsibility for implementing, maintaining, and monitoring this policy. Each Vice President and Officer is responsible for monitoring and controlling activities within their area of responsibility to ensure full implementation of this policy. Directors and departmental administrators are similarly responsible within their areas of jurisdiction. All college employees are expected to assume responsibility for assisting in the intent set forth in this Policy.

AFFIRMATIVE ACTION NIC has specific legal obligations as a recipient of federal funding and as a federal contractor. These obligations include the development and implementation of an Affirmative Action Plan. Under the Affirmative Action Plan, NIC makes good faith efforts to employ women, minorities, qualified individuals with disabilities, and protected veterans.

Draft Policy

Policy # 3.02.01

Effective Date ~~7/28/93~~MM/DD/2024

<p><i>(Impact Area - Dept Name)</i></p> <p>Employees</p>	<p><i>(General Subject Area)</i></p> <p>Conditions of Employment</p>	<p><i>(Specific Subject Area)</i></p> <p>Affirmative Action & Equal Opportunity</p>
	<p>Author:</p>	<p>Supersedes Policy #</p> <p>3.02.01</p>
<p>Relates to Procedure #</p>	<p>Impact:</p>	
<p>Legal Citation (if any): Idaho Code § 67-5909A (Acts Prohibited-Public Employment-Public Education, Idaho Human Rights Act, as amended), Idaho Code § 67-501 et seq. (Rights and Privileges of Veterans), Equal Pay Act of 1963, Titles VI and VII of the Civil Rights Act of 1964, as amended, Executive Order 11246 as amended by Executive Orders 11375, 13365 and 13672 (Equal Employment Opportunity), The Age Discrimination in Employment Act of 1967, as amended (ADEA), Title IX of the Educational Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Vietnam Era Veterans Readjustment Assistance Act of 1974, Title 1 of the American with Disabilities Act of 1990, as amended (ADA), Sections 102 and 103 of the Civil Rights Act of 1991, Veterans Employment Opportunities Act of 1998, Genetic Information Nondiscrimination Act of 2008 (GINA), The Pregnant Workers Fairness Act of 2022 (PWFA)</p>		
<p><i>North Idaho College</i></p>		

[Policy Narrative \[Page 1 of 4\]](#)

PURPOSE

The purpose of this policy is to express North Idaho College (NIC) commitment to comply with federal and state laws as an equal opportunity employer.

STATEMENT OF INTENT ON EQUAL OPPORTUNITY

~~North Idaho College~~NIC recognizes that ~~prohibits~~ discrimination of any type and affords equal opportunity to applicants for employment and in employment and education based

~~Upon~~without regard to race, color, religion, national origin, ~~religion~~, sex (including pregnancy and related conditions, gender identity or expression, and sexual orientation), age (40 or older), disability status, genetic information or ~~status as a Vietnam-era veteran status*~~ in accordance with applicable federal and state laws. ~~has foreclosed economic and educational opportunity to a significant~~

~~number of people in the United States.~~ ~~To correct this inequity and to~~ afford everyone equal the opportunity to participate without discrimination, ~~N.I.C.NIC:~~ pledges the following:

1. To recruit, employ, compensate, train, and promote people in all areas of the work force (administration, faculty, staff, and students) on an equal and impartial basis.
2. To base employment decisions on the principles of equal opportunity.
3. To ensure that promotion decisions are in accordance with principles of equal opportunity by imposing only documented, job related requirements for promotional opportunities.
4. To ensure that all personnel matters, such as compensation, benefits, transfers, layoffs, returns from layoff, leave, NIC sponsored training, education, tuition assistance, and social and recreational programs, are administered without regard to the factors specified above.
 - ~~1. To eliminate all vestiges of policy that tend, intentionally or otherwise, to~~
 - ~~2. discriminate on the grounds prescribed by federal and state laws and in order to~~
 - ~~3. eliminate all traces of discrimination.~~
 - ~~4. To take affirmative action to recruit, employ, and promote qualified members of those groups formerly excluded.~~

~~*Hereafter, may be referred to as "federally designated groups."~~

~~**STATEMENT OF POLICY ON EQUAL EMPLOYMENT AND EDUCATIONAL OPPORTUNITY AND AFFIRMATIVE ACTION AUTHORITY AND RESPONSIBILITIES**~~

- ~~NIC adheres to both the intention and the specifics of all relevant federal and state laws. It is NIC policy to prohibit and eliminate discrimination on grounds of race, color,~~

~~national origin, religion, sex, age, disability, or status as a Vietnam-era veteran,~~

- ~~Equal Pay Act of 1963~~
- ~~pursuant to Titles VI and VII of the Civil Rights Act of 1964, as amended~~
- ~~Executive Order 11246 as amended by Executive Orders 11375, 13365 and 13672 (Equal Employment Opportunity)~~
- ~~The Age Discrimination in Employment Act of 1967, as amended (ADEA)~~
- ~~Title IX of the Educational Amendments of 1972~~
- ~~Sections 503 and 504 of the Rehabilitation Act of 1973~~
- ~~Vietnam Era Veterans Readjustment Assistance Act of 1974~~
- ~~Title 1 of the, Title IX American with Disabilities Act of 1990, as amended (ADA) of the Education~~
- ~~Sections 102 and 103 of the Civil Rights Act of 1991~~
- ~~Veterans Employment Opportunities Act of 1998~~
- ~~Genetic Information Nondiscrimination Act of 2008 (GINA)~~
- ~~The Pregnant Workers Fairness Act of 2022 (PWFA)~~
- ~~Idaho Code § 67-5909A (Acts Prohibited-Public Employment-Public Education, Idaho Human Rights Act, as amended)~~
- ~~Idaho Code § 67-501 et seq. (Rights and Privileges of Veterans) or~~
- ~~Any other federal, state or local law requiring equal opportunity for federally designated groups and all persons within our society~~

~~The President and Chief Human Resource Officer (CHRO) have the authority and responsibility for implementing, maintaining, and monitoring this policy. Each Vice President and Officer is responsible for monitoring and controlling activities within their area of responsibility to ensure full implementation of this policy. Directors and departmental administrators are similarly responsible within their areas of jurisdiction. All college employees are expected to assume responsibility for assisting in the intent set forth in this Policy.~~

•

~~Amendments of 1972, Idaho Code Chapter 73 of Title 18, Chapters 16 and 17 of Title 44, and Chapter 59 of Title 67, Executive Order 11246 as amended, the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the Age Discrimination Act, of 1975 the Age Discrimination in Employment Act Amendments of 1978, the Americans With Disabilities Act of 1990, the Civil Rights Act of 1991, and other relevant statutes that guarantee equal opportunity for all persons and groups within our society.~~

AFFIRMATIVE ACTION REGARDING STUDENTS [CH1]

~~NIC requires equal opportunity for the federally designated groups in recruitment, admission, curricular and extra-curricular programs, advising and retention practices, student aid and employment.~~

~~In furtherance of this policy, NIC pledges the following:~~

- ~~1. To encourage members of the federally designated groups to enroll.~~
- ~~2. To actively recruit federally designated group members through available programs.~~
- ~~3. To ensure access to NIC facilities without regard to race, religion, color, national origin, age, handicap, or sex.~~

AFFIRMATIVE ACTION ~~IN EMPLOYMENT~~

NIC has specific legal obligations as a recipient of federal funding and as a federal contractor. These obligations include the development and implementation of an Affirmative Action Plan. Under the Affirmative Action Plan, NIC makes good faith efforts to employ women, minorities, qualified individuals with disabilities, and protected veterans.

~~It is NIC policy not merely to refrain from employment discrimination as required by the various federal and state enactments, but to take positive affirmative action to increase substantially the numbers of federally designated group members in positions where traditionally they have not been employed.~~

In furtherance of this policy, NIC pledges the following:

- ~~1. To recruit, employ, compensate, train, and promote people in all areas of the work force (administration, faculty, staff, and students) on an equal and impartial basis regardless of race, religion, color, national origin, age, handicap status or sex, except where sex is a bona fide occupational qualification as defined in federal regulations.~~
- ~~2. To base employment decisions on the principles of equal opportunity.~~

Policy # 3.02.01 [Page 3 of 4]

- ~~3. To ensure that promotion decisions are in accordance with principles of equal opportunity by imposing only documented, job-related requirements for promotional opportunities.~~
- ~~4. To ensure that all personnel matters, such as compensation, benefits, transfers, layoffs, returns from layoff, leave, NIC sponsored training, education, tuition assistance, and social and recreational programs, are administered without regard to the factors specified above.~~
- ~~5. To take affirmative action on behalf of members of the federally designated groups in order to eliminate the continuing effects of past discrimination in employment by actively recruiting members of these groups for employment.~~

PROGRAM DEVELOPMENT

~~NIC also pledges to continue an Affirmative Action Program in accordance with the spirit of the law. Inherent in such a program are the following:~~

1. ~~A work force and a student body which reflect a distribution of the federally designated group members consistent with the availability of such persons within the appropriate market.~~
2. ~~A recruitment process which seeks out and encourages members of the federally designated groups to apply. No permanent appointment will be made until this process has been carried out.~~
3. ~~A reasonable self-analysis to identify and analyze practices which do, or tend to, discriminate against members of the federally designated groups.~~
4. ~~A result-oriented procedure directed at the elimination of such deficiencies including (a) numerical goals when appropriate, (b) specific steps toward these ends, and (c) timetables for the prompt achievement of the goals.~~
5. ~~A procedure for prompt, fair, and impartial consideration of all complaints of discrimination arising at NIC.~~
6. ~~Submission of affirmative action program reports to the appropriate federal and state agencies and to the college community.~~

~~STATEMENT OF EDUCATIONAL INTEGRITY~~^[CH2]

~~This policy does not require NIC to eliminate or dilute standards that are necessary to the successful performance of its educational functions. The concept does require, however, that any standards or criteria that have had the effect of excluding women, minorities, or handicapped persons be eliminated, unless NIC demonstrates that such standards or criteria are conditions of successful performance.~~

~~Policy # 3.02.01 [Page 4 of 4]~~

~~STATEMENT OF RESPONSIBILITY~~

~~Authority and responsibility for implementing, maintaining, and monitoring affirmative action and equal opportunity at NIC lie primarily with the president and the affirmative action officer.~~

~~Although the president exercises, in consultation with the affirmative action officer, ultimate authority and responsibility for affirmative action and equal opportunity at NIC, each vice president is responsible for monitoring and controlling activities within his/her area of responsibility to ensure full implementation of this policy and program. Directors, departmental administrators, and other officers are similarly responsible within their areas of jurisdiction.~~

~~The Affirmative Action Committee, by serving as advisor to the president and by reporting to the College Senate, monitors and advances the affirmative action and equal opportunity program at NIC.~~

~~Finally, all college personnel are expected to assume responsibility for assisting in the goals set forth in the Affirmative Action Program and for making equal opportunity a functioning condition of life at NIC.~~

Procedure Title: Affirmative Action and Equal Opportunity

Impact: Employees

Responsibility:

Effective Date: 05/24/1995

Revised Date:

Reviewed Date:

Relates to Procedure: 3.02.01

Legal Citation(s):

I. Dissemination of North Idaho College's Affirmative Action Policy

A. Internal Dissemination

- i. The president will announce the existence of a written Affirmative Action Plan at the first general employee meeting of each academic year. At such time, the opportunity will be taken to reaffirm his/her strong support for its objectives and reaffirm that violations of said Plan will result in disciplinary action. At this same time, based on information provided by the Affirmative Action Officer, the president shall present an overview of our progress and/or specific problems encountered in our progress under this Plan.
- ii. The Affirmative Action Officer will distribute the Affirmative Action Policy and Procedures to all personnel. Additionally, all new employees will receive a copy of the North Idaho College's Affirmative Action Policy and Procedures as well as a thorough explanation of their rights and responsibilities under it from the Affirmative Action Officer.
- iii. During the first semester, the Affirmative Action Officer will conduct special training programs for division chairs, program directors and supervisors to explain the intent of the Affirmative Action Policy and individual responsibility for effective implementation. Each October, she/he shall meet with major administrative officers to review changes in or problems identified through operation of the policy.
- iv. During the first semester of each academic year, each department head, division chair, or unit supervisor on campus shall arrange to discuss at a regular department meeting the Affirmative Action Policy, Procedures, and Plan for North Idaho College and to answer questions.

- v. Sufficient copies of the Affirmative Action Policy, Procedures, and Plan shall be maintained in all student services offices (e.g., office of the vice president of student services, student government office, student services, financial aid, counseling center, etc.) for reference and distribution to students upon request.
- vi. Copies of the Affirmative Action Policy, Procedures, and Plan shall be maintained in the NIC Library, offices of the vice presidents, and with the chairs of the Faculty Assembly, PASS, NICSSO, and the Senate.

B. External Dissemination

- i. Recruiters will communicate the existence of the Affirmative Action Policy to all prospective employees and students.
- ii. North Idaho College will, through the vice president of administrative services, incorporate the Equal Opportunity clause in all purchase orders, leases, contracts, etc.
- iii. The Affirmative Action Officer shall inform minority and other recruitment sources in writing of North Idaho College's policy and request that these entities actively recruit and refer handicapped individuals, minority group members, and women to North Idaho College.
- iv. Vice president of college relations shall ensure that all external or internal mass produced distributions contain an updated Affirmative Action statement. Photographs published in conjunction with North Idaho College recruiting and other publicity documents should, where appropriate, illustrate North Idaho College's student and employee mix with regard to minority, female, and handicapped participation.
- v. New official printed materials distributed by North Idaho College shall, at the very least, note that North Idaho College is an Equal Opportunity Institution. This tag-line shall be included at the base of all letter-head used by offices on campus.

II. Administrative Responsibility

- A. The overall responsibility for the effective implementation of the Affirmative Action Plan rests with the president of North Idaho College, whose visible support is a chief component in the viability of the Plan. The president will:
 - i. Report annually on North Idaho College's affirmative action activity and progress to the North Idaho College Board of Trustees; said report will be carried as an informational item on the board of trustee agenda.
 - ii. Assign operating responsibility for implementation of the Plan to the administrators as appropriate.

- iii. Announce the existence of a written Affirmative Action Plan at the first general employee meeting of each academic year. (See Section IA 1).
- iv. Determine the appointment of individuals employed directly under him/her and accountable to him/her with the understanding that Affirmative Action policies and procedures will be carried out as set forth in North Idaho College's Affirmative Action Policy and subject to the approval of the Board of Trustees.
- v. Should the Affirmative Action Officer position be vacated, the president will appoint an Acting Affirmative Action Officer until an appropriate search can be made.
 - i. Responsibility for the administration of the Plan will be delegated to the Affirmative Action Officer, assisted by the Affirmative Action Committee, who will: Ensure that the latest legal developments in affirmative action are disseminated to the president, vice presidents, department chairpersons, program directors, and supervisors.
 - ii. Propose to the Senate, revisions of North Idaho College's Affirmative Action Policy and Procedures as necessary.
 - iii. Serve as liaison between North Idaho College, federal and state regulatory agencies, and organizations serving the interests of members of federally designated groups.
 - iv. Design and implement internal audit of employment and student data to:
 1. Measure program effectiveness.
 2. Determine degree of progress made toward achieving the Affirmative Action Plan goals.
 3. Determine need for remedial action.
 - v. Report at the end of each semester to the president and designated administrators on progress in relation to the Affirmative Action Plan and North Idaho College goals and timetables.
 - vi. Collect and analyze employment and enrollment data, identify problem areas, develop goals, timetables, programs, and activities to achieve goals and to further the success of the Plan. Determine the need for:
 1. Special accommodations for handicapped employees, students or qualified applicants.
 2. Special programs and/or services to aid members of federally designated groups in completing their education.
 3. Special programs, facilities and allocation of funds to provide for equitable athletic programs for women and handicapped students as compared with those provided for male students.

- vii. Monitor recruiting, screening and hiring activities to ensure compliance with affirmative action procedures.
 - viii. Develop procedures for auditing transfers and promotions to determine the impact of current policies and procedures on members of federally designated groups and recommend changes as the need is indicated.
 - ix. Ensure that supervisors provide support and prevent harassment of employees.
 - x. For successful implementation and monitoring of the Affirmative Action Plan, a centralized personnel data file will be developed to gather and maintain all affirmative action and civil rights regulations.
- B. All administrators and supervisors, in addition to the president, have the responsibilities of supporting the Affirmative Action Officer in implementation of the Affirmative Action Plan:
- i. To coordinate and implement Affirmative Action personnel practices including the development of goals and time-tables.
 - ii. To assist the Affirmative Action Officer in employee training programs about problems and legal rights of the federally designated groups.
 - iii. To assist the Affirmative Action Officer in further exploration and development of joint training programs with federal, state, and local agencies in order to increase employment opportunities for the federally designated groups.
 - iv. To be sensitive to the religious holiday needs of employees within their departments in compliance with Office of Federal Contract Compliance Plans guidelines on religious discrimination.

III. Procedures for Development and Execution of the Plan:

A. Methods of Recruitment of Employees

- i. In order to achieve its Affirmative Action Plan goals, North Idaho College will actively recruit federally designated group members by identifying potential sources of such candidates, informing them of available positions, and encouraging them to apply.
- ii. In an effort to increase the number of applicants from federally designated groups, recruiters will contact the following recruitment sources:
 1. Appropriate local, state and national organizations representing federally designated groups and the professions.
 2. The Affirmative Action Officer's file of special recruitment sources for the federally designated groups.

- iii. For regular openings, the Affirmative Action officer will monitor and approve or disapprove selection procedures before an offer is made to a particular candidate. In case of disapproval of this particular selection procedure the Affirmative Action Officer will determine selection procedure changes which will assure compliance with Affirmative Action procedures and regulations.
- iv. The Affirmative Action Officer or a designated representative from the Affirmative Action Committee should serve as a consultant to selection committees at all levels within North Idaho College.
- v. The Affirmative Action Officer will record and present to the president of North Idaho College and to the Idaho Personnel Commission any internal evidence showing that state personnel policies (recruiting, establishing job classification qualifications, and disseminating information) discriminate against federally designated group members.
- vi. The Director of Human Resources will maintain on file, for a period of at least one year, applications received from any member of a federally designated group for North Idaho College positions at any level. As positions become available, qualified applicants shall be notified in writing and requested to respond in writing.

B. Training

- i. To provide vertical and lateral mobility for classified personnel, North Idaho College will:
 1. Continue to grant educational release time for classified personnel, at the discretion of the supervisors concerned, provided such release time be made up, and provided that such release time for educational purposes conforms to policies established by North Idaho College and/or its board of trustees.
 2. Provide training opportunities for personnel, especially encouraging members of federally designated groups to participate through appropriate offices within North Idaho College.
 3. Make reasonable time and funds available for the attendance of personnel at appropriate off-campus seminars, workshops and training sessions, which will enhance their skills, giving special encouragement for participation to members of federally designated groups.

- C. The Affirmative Action Officer will monitor and ensure that Affirmative Action guidelines are met for performance appraisal, transfer and promotion, layoffs and return from layoff, disciplinary actions, and terminations and resignations.

IV. Internal Audit and Reporting Systems



- A. The Affirmative Action Officer will conduct an annual analysis as a means of evaluating the effect of North Idaho College's current policies and procedures on the accessibility of educational programs, extracurricular activities and related services to students of federally designated groups and will make recommendations of modifications and/or remedial actions to alleviate any inequities which may exist.
- B. Vice presidents, department chairpersons, program directors and supervisors will cooperate with the Affirmative Action Officer by providing relevant information for analysis.
- C. The Registrar's and Admission's Offices will submit annually to the Affirmative Action Officer data required for the Affirmative Action report.

V. Compliance with Guidelines for Federally Designated Groups

A. Identification of Applicants and Employees

North Idaho College invites all applicants and employees who believe themselves covered by the Act and who wish to benefit under the Affirmative Action Policy to identify themselves. This information is voluntarily provided and is kept confidential. Refusal to provide it will not subject the applicant to any adverse treatment.

B. Review of Physical and Mental Requirements

North Idaho College will review physical or mental job qualification requirements to insure that qualification requirements do not screen out federally designated groups. North Idaho College will make a reasonable accommodation to the physical and mental limitations of its employees and applicants unless the accommodation imposes an undue hardship on the conduct of North Idaho College's business.

C. Recruitment and Advertisement

North Idaho College will not recruit nor advertise for employees based on a sex designation for any job unless sex is a bona fide occupational qualification.

North Idaho College will not recruit nor advertise for employees based on an age designation for any job unless age is a bona fide occupational qualification.

D. Job Policies and Practices

North Idaho College will make no discrimination based upon sex, age, race, national origin, religion, disability, or status as a Vietnam-era veteran in employment opportunities, wages, hours, or other conditions of employment and will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their sex, age, race, national origin, religion, disability, or status as a Vietnam-era veteran.

North Idaho College considers pregnancy, child-birth, false pregnancy, termination of pregnancy and recovery as any other temporary disability.

North Idaho College will accommodate the religious observances and practices of an employee or prospective employee, unless NIC demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the NIC's business.

VI. Grievance Procedures

A grievance procedure to address an affirmative action grievance is meaningless unless the right to bring complaints before a grievance committee is securely protected before, during, and after formal grievance proceedings. Reasonable steps must be taken by the Affirmative Action Committee and by North Idaho College administration to ensure that no individual shall intimidate, threaten, discriminate against or coerce any other individual.

- A. Any member of North Idaho College community as well as any individual seeking employment at North Idaho College who believes that she/he has been subjected to discriminatory practices or procedures may informally or formally register a complaint with the Affirmative Action Officer and/or the Affirmative Action Committee Chair.
 - ii. The formal or informal complaint should be made within 14 days of the incident.
 - iii. The formal complaint should be a written statement alleging the incident, the person, and/or office perpetrating the discriminatory act and listing witnesses, if any. This complaint should include identification of the portion of the Affirmative Action Policy violated and the complainant's desired resolution of the incident.
- B. Action by Affirmative Action Officer
 - i. Informal Investigation:

Upon receipt of a formal complaint, the Affirmative Action Officer will hold an informal investigation within ten working days with all parties concerned in an endeavor to resolve the matter.
 - ii. Forwarding Complaint to the Affirmative Action Committee for Grievance Review:

Should the complainant so desire, the Affirmative Action Officer will forward the formal complaint to the chairperson of the Affirmative Action Committee. A copy of the letter and the formal complaint will be furnished to the person or office against whom the complaint is being made.
- C. Action by Affirmative Action Committee

i. Review:

Within fifteen working days of receipt of the complaint, the Affirmative Action Grievance Committee will meet to review the case in order to determine, on the basis of jurisdiction, whether to proceed to a formal hearing.

ii. Formal Hearing:

1. Should the Committee determine to hold a formal hearing of the case, the following steps will be taken:
 - a. Determine the grievant's choice of having an open or closed hearing.
 - b. The chairperson will advise each party of the date, time, and place of the hearing.
 - c. The Committee has the authority to request the appearance before it of any persons who may have information pertaining to the complaint.
 - d. The Committee may request additional written statements and documents from each party.
 - e. The Committee will request the names of witnesses to be brought by each party and will request the witnesses to appear at the date, time and place of the hearing.
2. The Committee will meet and hear the allegations while pursuing "due process" for all individuals involved. To ensure due process, the following procedures will be followed:
 - a. All parties are entitled to copies of any documents or other written statements which are submitted to the committee.
 - b. All parties are entitled to timely notice of Committee hearings related to the complaint and are given reasonable time for preparation for such hearings.
 - c. The complainant(s) and the respondent(s) will be present during all testimony.
 - d. Parties have the right to call witnesses and present any evidence they desire, subject to the decision of the committee on its relevance.
 - e. The committee shall have the right to call witnesses at its discretion.
 - f. Unless the complainant(s) and/or respondent(s) are students at North Idaho College, the student representative on the Affirmative Action Committee will be excused from the hearing.
 - g. Parties have the right to be informed in writing of the findings and recommendations of the committee.

