



North Idaho College

Board of Trustees Meeting

August 28, 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/84842171663>

- Convene/Call to Order/Verification of Quorum Mike Waggoner
- Pledge of Allegiance Mike Waggoner
- Message from Chair..... Mike Waggoner
- ACCT Comments on Board Training.....Ken Burke / Debbie DiThomas
- **CONSTITUENT REPORTS**
 - ASNIC Joseph Moran
 - Faculty Assembly..... Kathleen Miller Green
 - Staff Assembly..... Katrina Bjorkman
 - Senate Julie Bailey
- **PRESIDENT’S REPORT** Nick Swayne
- **INFORMATION ITEMS**
 - Accreditation Report due to NWCCU 02 Sep 2024.....
 -Mike Waggoner / Ken Burke / Debbie DiThomas / Nick Swayne / Steve Kurtz
 - CTE Update Nick Swayne / Vicki Isakson
 - Workforce Training Center Update..... Nick Swayne / Colby Mattila
 - Athletics Budget Update Nick Swayne / Sarah Garcia / Alex Harris / Shawn Noël
 - Finance and Budget Update..... Nick Swayne / Sarah Garcia
 - Student Success Update Nick Swayne / Tami Haft
- **CONSENT AGENDA**
 - Tab 1: Approve Board Regular Meeting Minutes for June 26, 2024 Mike Waggoner
 - Tab 2: Approve Board Training Development Meeting Minutes for July 2, 2024..... Mike Waggoner
- **OLD BUSINESS**
 - Tab 3: Second Reading/Action: Approve Policy 3.02.01 Equal Opportunity Mike Waggoner
- 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 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
August 28, 2024

TAB 1

SUBJECT: Consent Agenda Items

BACKGROUND:

Included as Tab 1 are the Board Regular Meeting Minutes with addenda for June 26, 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
June 26, 2024
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair Waggoner called the meeting to order 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 gave a detailed update regarding the Board's ongoing progress related to accreditation issues and preparation for the NWCCU's next site visit. He stated that work has begun on the President's annual performance review, and addressed the constituency groups regarding their past votes of no confidence.

Celebrating Success

Dean of Enrollment Services Tami Haft and Interim Chief Communications and Government Relations Officer Tom Greene reported on the College's highly successful Summer 2024 Enrollment numbers. Their presentation is included as an addendum to these minutes.

PRESIDENT'S REPORT

President Swayne spoke about preparation of the accreditation response report due to the NWCCU by September 2, 2024. He thanked the staff and Interim Provost Lloyd Duman for their dedication to improved enrollment numbers, addressed the College's Free Speech and Academic Freedom policies, and gave detailed reports on multiple topics related to his goals. Discussion followed.

INFORMATION ITEMS

Center for New Directions

Student Success Navigator Louisa Rogers gave an overview of the Center for New Directions and the services they provide. She, Tami Haft and Ken Wardinsky answered questions from the Board regarding the FAFSA application process. Ms. Rogers presentation is included as an addendum to these minutes.

Athletics Update

Athletics & Recreation Director Shawn Noël provided a Spring Sports recap and a Fall Recruiting forecast. Discussion ensued. Mr. Noël's presentation is included as an addendum.

Finance Quarterly Update

Vice President for Finance and Business Affairs Sarah Garcia provided a positive quarterly finance update. Discussion followed. Ms. Garcia's presentation is included as an addendum to these minutes.

Human Resources Update

President Swayne reported on NIC’s employee departure and retention status. His supporting graphics are included as an addendum to these minutes.

Enrollment Update

President Swayne presented a live feed of NIC’s interactive Enrollment Dashboard and highlighted the College’s substantial increases in enrollment and credits.

CONSENT AGENDA

Tab 1: Action: Approve Board Regular Meeting Minutes for May 22, 2024

Trustee McKenzie made a motion to amend the minutes as follows; on page three, under New Business, paragraphs one and two remain unchanged, the first two sentences of paragraph three remain unchanged, then everything is deleted until the last paragraph of that page. The motion was seconded by Trustee Banducci. Following discussion, Chair Waggoner called for the vote. The motion passed with three votes in favor, two against.

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

Trustee McKenzie made the motion to approve the minutes as amended. The motion was seconded by Trustee Banducci. Chair Waggoner called for the vote. The motion passed with three votes in favor, two votes against.

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

NEW BUSINESS

Tab 2: First Reading/Discussion: Policy 3.02.01 Equal Opportunity

Interim Chief Human Resources Officer Colleen Hamilton introduced the first reading of Policy 3.02.01 Equal Opportunity. Discussion followed. Ms. Hamilton’s graphics are included as an addendum to these minutes.

PUBLIC COMMENT

Name	Topic
Caryn Shepler	Finances
Howard Kuhns	Good of the Order
Jamie Berube	Finances
Robert Shepler	Budget

The meeting was adjourned at 8:19 p.m.

Respectfully Submitted,
Suzy Scura, Board Clerk

Addendum 1) Celebrating Success: Summer 2024 Enrollment
Addendum 2) Center for New Directions Presentation
Addendum 3) Athletics Update

Addendum 4) Finance Quarterly Update

Addendum 5) Human Resources Update

Addendum 6) Summary of Changes to Policy 3.02.01 Equal Opportunity

DRAFT



JUNE 2024

Celebrating Success

Tami Haft
Dean of Enrollment Services

Tom Greene
Interim Chief Communications and Government Relations Officer

North Idaho College
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Summer 2024



Headcount
1,091

+16.4%
Year-over-Year



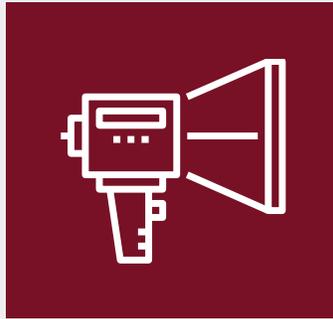
Credits
5,042

+20.0%
Year-over-Year

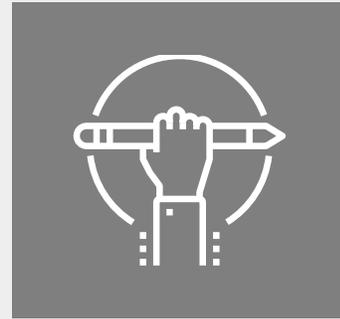
Factors Contributing to Success



Retention efforts



Mini-campaigns



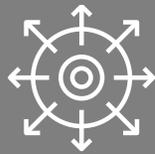
Compelling classes

Other Contributing Factors

115+

**Positive
appearances**

in local media since
Jan. 2024



**Wider utilization of
traditional and digital
marketing channels**



**Focus on delivering the
right content to the right
audience**



North Idaho College

Center for New Directions

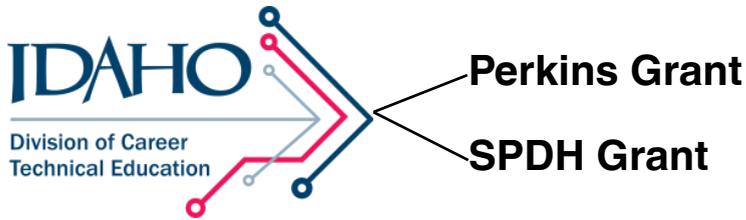


WHO DO
WE SERVE?

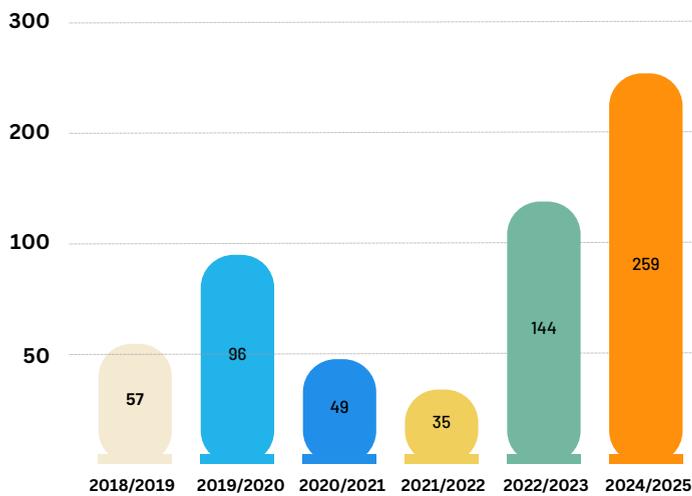
- SINGLE PARENTS
- DISPLACED HOMEMAKERS
- CAREER PIONEERS

***Finding a new direction in life - one that leads
to stability and self-sufficiency.***

Funding:



Center for New Directions Participants per school year



Numbers based on CND data collected in annual end of year reports.



Services offered:

- **Career services**
 - STRONG workshops
 - Resume and cover letter
 - Job applications
 - Idaho DOL/Equus
 - Women at Work event
- **Educational services**
 - FAFSA assistance
 - Applying to NIC
 - Campus referrals
 - Homework Workshop
- **Support services**
 - Individualized case management
 - Support groups
 - Family events
 - Mentorship



2024 WINS

- **\$40,000 CND Childcare Fund**
- **\$5,000 Foundation Grant**
- **\$7,000 grocery cards**
- **Diaper Closet**
- **\$80,000 Direct Assistance**
 - rental assistance
 - car repairs
 - utility bill
 - laptop for school



*Thank you to our
community partners.*

Center for New Directions



nic.edu/cnd



Spring 2024 Athletic Team Updates

Wednesday, June 26, 2024

President's Goal: Develop a competitive and comprehensive intercollegiate athletics program.

North
Idaho
College
► nic.edu



Men's Golf Season Recap

- Won 6th consecutive NWAC Championship
- Josh McCartain - Player of The Year
- 4 All League members
- Russell Grove – Coach of the Year



Women's Golf Season Recap

- Won the NWAC Championship, first since 2016
- Laila Jalil – NWAC Player of The Year
- 5 All-League Members
- Russell Grove – Coach of the Year



Softball Season Recap

- NWAC Runner Up
- East Region Champion
- 37 game win streak
- 4 Players named to All tournament team
- Ten Players named to All Region team
- Shay Chapman – East Region Coach of the Year
- 5 Players named to the NFCA All American team



Spring 2024/FY 24 Academic Update

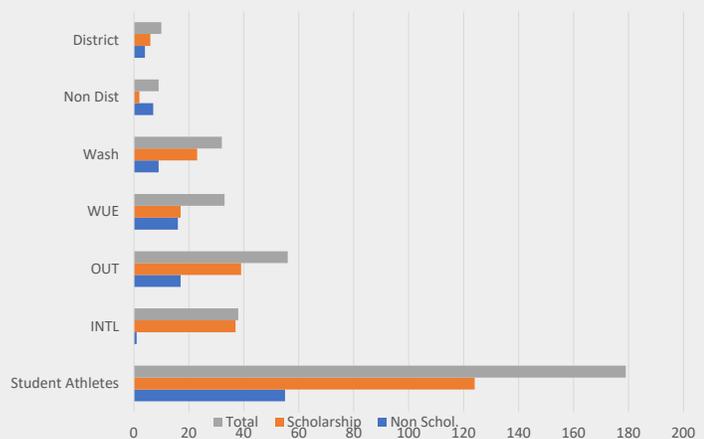
- Spring 2024 Athletic Dept GPA – 2.95
 - 5 Teams with over a 3.00 GPA
 - 23 Student Athletes 4.00 GPA
- FY 2024 Athletic Department GPA – 2.94
 - 6 Teams with over a 3.00 GPA
- FY 2024 Graduates
 - 29 Student Athletes Graduated



FY 2025 Update

- 179 Total Student Athletes
 - 124 Scholarships
 - Out of 152 total
 - 55 Non Scholarship
 - 108 Registered for Fall 2024
- 38 International
 - 37 Scholarships
 - 22 Different Countries
- 56 Out of State
 - 39 Scholarships
- 33 WUE
 - 17 Scholarships
- 32 WASH
 - 23 Scholarships
- 9 Non District
 - 2 Scholarships
- 10 District
 - 6 Scholarships

Student Athlete Breakdown





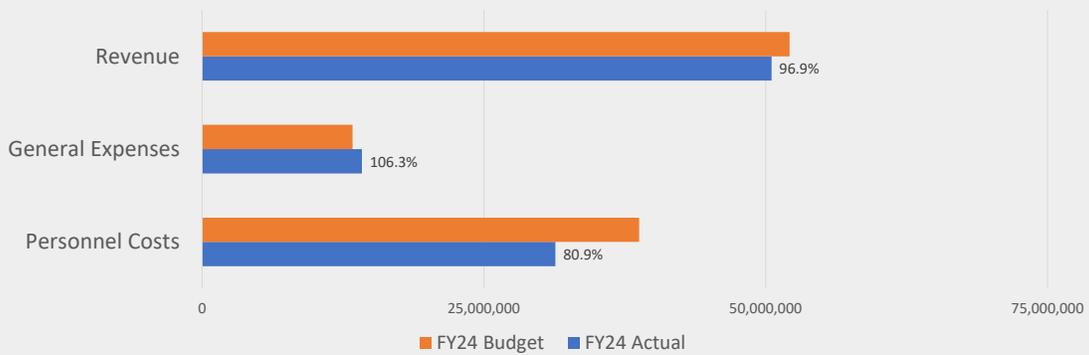
Finance Update Fiscal Year 2024 to Date

Recurring Report
June 2024

North
Idaho
College
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May YTD Actual vs Annual Budget



FY26 Capital Requests

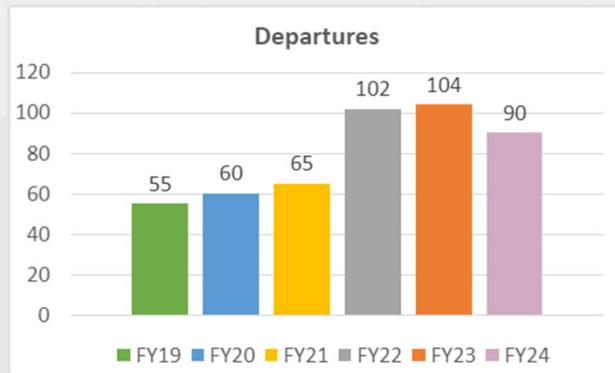
- Preliminary versions were due June 1st.
 - EVOC Training Course
 - Same request as last year
 - Phase 2 Hedlund Remodel
 - Phase 1 is diesel bay only. This request is for the space currently occupied by the ISBDC

Employee Departure Update

Board of Trustees Meeting
June 26, 2024

Departure History FY19-FY24

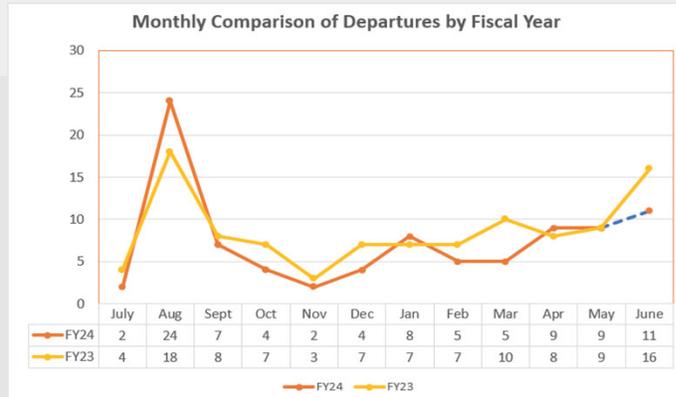
Includes voluntary (resignations, retirements) and involuntary terminations



- FY24 includes actual departures through May 2024 (79) and anticipated departures for June 2024 (11)
- FY20 (8) & FY21(6) include a total of 14 employees who accepted early retirement

Monthly Departure Comparison - FY23 & FY24

Includes voluntary (resignations, retirements) and involuntary terminations



- Anticipated departures for August 2024: 7



Affirmative Action & Equal Opportunity (revision) Policy #3.02.01

Overview

June 26, 2024

► nic.edu

Applicable Laws (ID & Federal)

- **Equal Employment Opportunity** is a Federal law that protects job applicants and employees from discrimination.
- **Affirmative Action** is the establishment of a plan to recruit and advance qualified minorities, women, persons with disabilities, and covered veterans. It is required for employers that are federal contractors and subcontractors.
- **Idaho Human Rights Law §67-5909A, Section 1.(1)** protects against discrimination in public employment or public education.
- **Idaho Human Rights Law §67-5909A, Section 1.(7)** states that "Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program where ineligibility would result in a loss of federal funds to the state."

 nic.edu

Applicable Laws (ID & Federal)

- *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, No. 20-1199; and *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 21-707
 - Banned affirmative action in college and university admissions processes.
- Idaho House Bill 440 (HB440)
 - Amended existing Idaho law to ban preferential treatment based on race, sex, color, ethnicity, or national origin in the operation of public employment or public education.



Summary of Policy Changes

Policy Section	Proposed
Specific Subject Area	Change to <i>Equal Opportunity</i>
Purpose	Added language. 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	Edited to align this policy with EEO. Relocated language from AA section that applies to EEO, not AA.
Statement of Policy on Equal Employment and Educational Opportunity and Affirmative Action	Edited Section to Authority and Responsibilities and updated applicable laws to align this policy with EEO.
Affirmative Action Regarding Students	Removed Section as it addressed students and this policy addresses employees only.
Affirmative Action in Employment	Relocated bullet points to Statement of Intent on Equal Opportunity to align policy with EEO.
Affirmative Action in Employment	NIC is not currently a federal contractor. Federal contractors are required to create an affirmative action plan (AAP) if they meet certain criteria established by the Office of Federal Contract Compliance Programs (OFCCP) under the U.S. Department of Labor. Language proposed to comply if required.
Program Development	Removed Section to align to EEO
Statement of Educational Integrity	Removed Section as it addressed students and this policy addresses employees only.
Statement of Responsibility	Relocated with edits to new Section Authority and Responsibilities



BOARD OF TRUSTEES MEETING
August 28, 2024

TAB 2

SUBJECT: Consent Agenda Items

BACKGROUND:

Included as Tab 1 are the Board Training and Development Meeting Minutes with addenda for July 2, 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 SPECIAL MEETING
BOARD DEVELOPMENT AND TRAINING
Edminster Student Union Building
July 2, 2024
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair Mike Waggoner called the meeting to order at 3:00 p.m. and said that this is a special meeting to address accreditation progress. He confirmed that all Trustees were present and led the attendees in the Pledge of Allegiance.

ATTENDANCE

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

Also present: Nick Swayne, President
Steve Kurtz, Accreditation Liaison Officer
Ken Burke, ACCT Consultant
Debbie DiThomas, ACCT Consultant
Colton Boyles, College Attorney

Welcome, Agenda Review

Ken Burke welcomed the Trustees and thanked them for their commitment. He provided a status update regarding the ongoing process of drafting the response report to the NWCCU, acknowledged the Board's substantial progress to date, and announced dates for the next Board training session and upcoming accreditation visit.

Dr. Debbie DiThomas reviewed the agenda and explained that it was designed specifically towards accreditation and the NWCCU's recommendations.

Review/Recommit to Board Goals and Plan to Address Board Goals

Dr. DiThomas guided the Board members through a mid-year progress review and update of the 2023-2024 Board Goals and Plan to Achieve Board Goals. During discussion, the Trustees suggested changes and made refinements to the documents.

Review Board Policies Mentioned in NWCCU Recommendations

Dr. DiThomas led the group through a review of three specific Board policies mentioned in the NWCCU's list of recommendations.

Reminders of Best Practices for High Performing Boards

Ken Burke presented a slideshow entitled Reminders of Best Practices for High Performing Boards. He and Dr. Steve Kurtz reviewed the different levels of accreditation status. Dr. Swayne described the timeline to be expected following the College's response to the NWCCU's recommendations. Discussion followed. Mr. Burke's presentation is included as an addendum to these minutes.

Discussion – Accreditation

Dr. DiThomas and President Swayne explained that per federal regulations and NWCCU policy, NIC is required to deliver a teach-out agreement to the NWCCU by August 31, 2024. They said

that it will not be implemented if accreditation issues are resolved, but the College is required to develop the agreement as a safety plan.

Discussion Regarding Teach-Out Agreements

Dr. Kurtz reiterated that while a teach-out agreement is required, it will not be implemented if accreditation is retained, and it will not affect NIC’s current accreditation status. He gave a presentation detailing three available options for the teach-out agreement. Discussion ensued. Dr. Kurtz and President Swayne answered questions and further clarified each of the choices offered. Dr. Kurtz’s presentation is included as an addendum to these minutes.

BREAK 5:19 p.m. – 5:27 p.m.

Action Regarding Teach-Out Agreements

Following initial discussion of potential motions, Trustee McKenzie made the following motion: This Board designates Option Two as NIC’s priority in responding by the end of August to NWCCU and to work and meet weekly with the Board Chair and legal representation as the Chair sees fit to produce a formal recommendation no later than August 2, 2024 to NIC’s Board. The motion was seconded by Trustee Banducci.

With no further discussion, Chair Waggoner called for the vote. The motion succeeded with five votes in favor.

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

Discussion – Show Cause Report Progress

Dr. DiThomas reviewed the status of draft responses to each of the NWCCU recommendations that are being sent to the Trustees for their feedback.

The meeting was adjourned at 5:51 p.m.

Respectfully Submitted,
Suzy Scura, Board Clerk

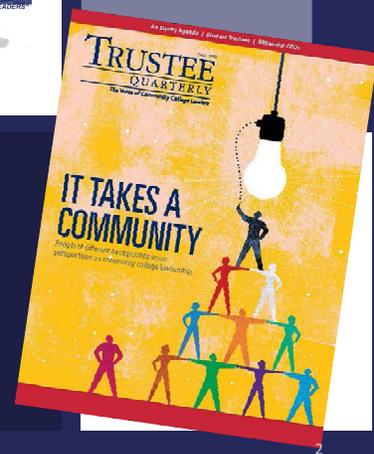
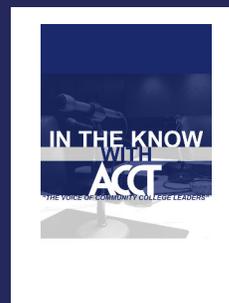
Addenda:

- 1) Reminders of Best Practices for High Performing Boards
- 2) Compliance with Teach-Out Agreement Mandate

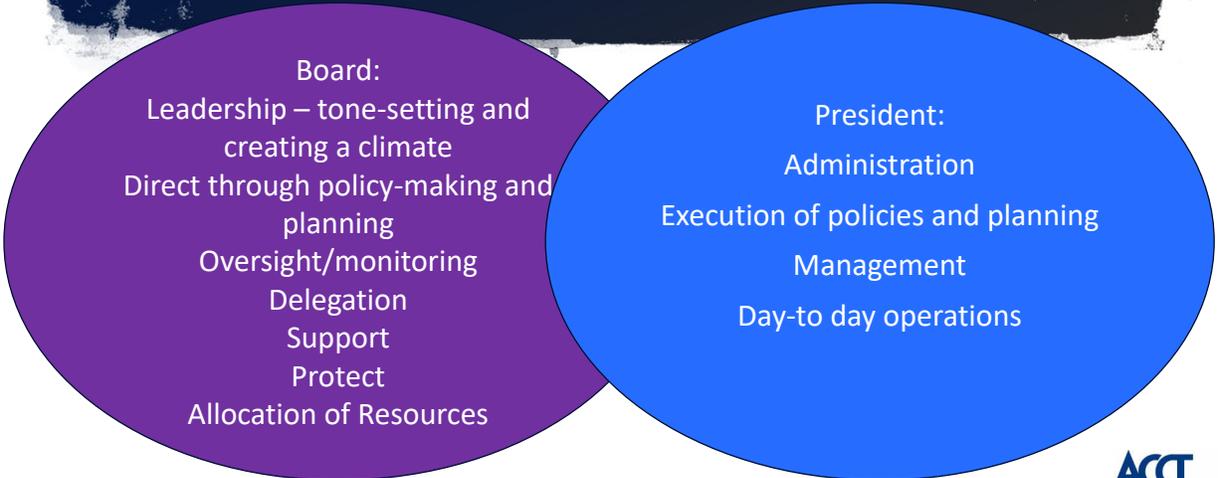


Good Governance

- Board's power comes from acting as a team
- No individual power
- Paradox of hierarchy and partnership
- Board and CEO on the same team



Board Roles and Responsibilities

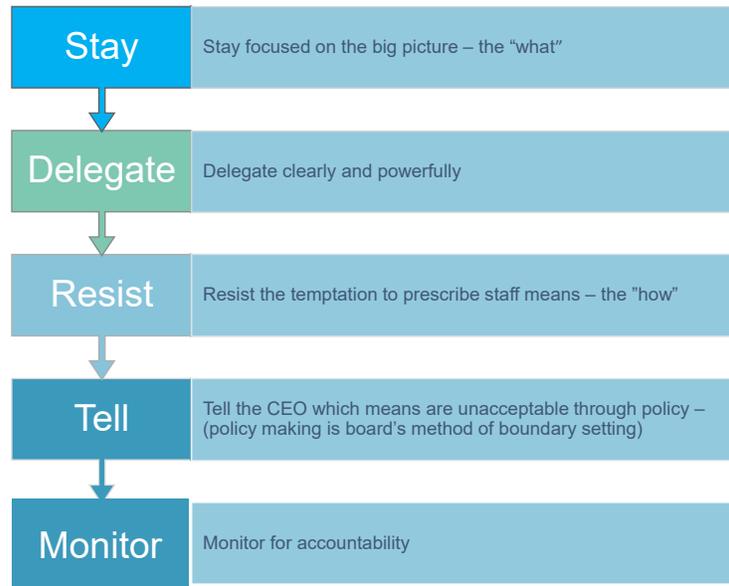


RESPONSIBILITIES

- Set standards through policy setting
- Act as a unit with one voice –no power to act on own
- Work as a member of the board team
- Discourage partisan politics –allegiance to college not political party
- Represent the public for whom they hold the college in trust
- Govern transparently
- Set the college’s strategic direction
- Employ, evaluate and support the CEO
- Set realistic goals in collaboration with the president
- Define standards for quality and prudence through policy making
- Assure fiscal health and stability through establishing policy standards for stewardship of public funds
- Create a positive climate
- Monitor institutional performance
- Support and advocate for the college
- Make board a priority- do homework, attend college events, be an ambassador



Board Role



The voice of community college leaders.

Contact Us

Email:
acctinfo@acct.org

Phone:
202-775-4667

Website:
www.acct.org

BOARD OF TRUSTEES MEETING
August 28, 2024

TAB 3

SUBJECT: New Business

BACKGROUND:

Included as Tab 3a is the "clean" view of Policy 3.02.01 (Equal Opportunity) showing the recommended revised policy.

Included as Tab 3b is the "redline" view of Policy 3.02.01 (Equal Opportunity) showing the tracked changes to the prior version.

Included as Tab 3c 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>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.~~

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~~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.~~

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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~~^[CN2]

~~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.~~

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~~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.

- h. At any time during the hearing the complainant may withdraw his/her complaint. In that event the proceedings will be terminated.

TO BE DELETED



iii. Findings:

1. Within ten working days of the hearing the committee will meet in closed session to discuss and vote upon findings and recommended action.
2. The findings and recommendations of the committee will be made and forwarded to the parties involved and to the president of the college through the Affirmative Action Officer or the chair of the Affirmative Action Committee.

D. Individuals, including those seeking employment at North Idaho College, may also register complaints with appropriate agencies.

TO BE DELETED