

Procedure Title: Affirmative Action and Equal Opportunity

Impact: Employees

Responsibility:

Effective Date: 05/24/1995

Last Update:

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.

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.