Equal Employment Opportunity Policy Statement

HIGHLAND COMMUNITY COLLEGE

AFFIRMATIVE ACTION PLAN

For

MEMBERS OF MINORITY GROUPS, WOMEN AND PERSONS WITH DISABILITIES

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Policy statements in the Plan have been adopted by the Board of Trustees, Illinois Community College District No. 519, as the governing Board of Highland Community College.
AFFIRMATIVE ACTION PLAN

Introduction

Highland Community College is committed to the concepts, objections, methods and directions of equal employment opportunities defined and dictated through federal affirmative action guidelines. These guidelines insure that members of minority groups, women and persons with disabilities, regardless of age, have equal opportunities for employment, advancement on the job, education and receipt of services, and will instill in the total college community a sensitivity to the interests, concerns and needs of members of minority groups, women and persons with disabilities.

Ultimate responsibility for implementing an Affirmative Action Program rests with the Board of Trustees. The College President as the executive officer of the Board of Trustees has the administrative responsibility and authority to assure the achievement of the objectives of affirmative action. The Affirmative Action Officer serves as the representative of the College President in the administration, implementation and enforcement of the program throughout the College district and in this capacity monitors all personnel actions of the College to insure that the intent of the plan is being honored.

The authority for an Affirmative Action Program is derived from Higher Education Guidelines, Executive Order 11246.

EQUAL EMPLOYMENT POLICY STATEMENT AND AFFIRMATIVE ACTION COMMITMENT

Highland Community College is committed to a policy of nondiscrimination as an Equal Opportunity Employer. It is the objective of the College to assure equal opportunity in all aspects of recruitment and employment of all employees. Further, it is expressly the College’s policy to maintain and promote nondiscrimination regarding race, creed, religion, political philosophy, national origin or ancestry, gender, sexual orientation, age, physical or mental handicap unrelated to ability, marital status, discharge from military service or other factors prohibited by applicable laws and Executive Orders and is committed to equal opportunity for all applicants and members of its student body, faculty, staff and officers. In addition, there will be no discrimination because of membership or lawful participation in the activities of any political party, organization or union, or because of his or her refusal to join or participate in the activities of any political party, organization or union. An overview of these laws and Executive Orders is attached.
The College does not view its nondiscriminatory policy as a passive one. It is aware of its obligation to seek actively to increase the number of minority individuals and women at all levels of the College and to provide and make them aware of a system of equitable compensation for comparable work.

The effort will be a continuous, aggressive one and will be based on personal commitments of the College administrators, faculty and staff. The College’s program of affirmative action is to expand equality of opportunity.

The College develops, maintains and funds educational programs and services that are sensitive to the emerging needs of members of minority groups, women, and persons with disabilities. Further, the College initiates programs that will increase, on the part of all personnel, a sensitivity to the interests and needs of minority groups, women and persons with disabilities.

The College also seeks to further equal opportunity employment goals with respect to those outside the College with whom it deals by the use of equal employment clauses in contracts and purchase orders.

Successful performance on affirmative action goals provides positive benefits to the College through fuller utilization and development of previously underutilized human resources and skills.

STATEMENT OF RESPONSIBILITY

The President of the College assumes responsibility for the success of affirmative action. Operational responsibility is to be carried by the Human Resources Office. Responsibility of Human Resources should include, but not necessarily be limited to:

1. Maintaining a Board policy statement, a written Affirmative Action Plan, internal and external communication procedures.

2. Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve goals. Programs should include specific remedies to eliminate any discriminatory practices discovered in the employment system.

3. Initiating and organizing an efficient and regular system of monitoring all College personnel actions in accordance with the Affirmative Action Plan.

4. Serving as liaison between College, government regulatory agencies, minority and women’s organizations and other community groups.

5. Assuring that current legal information affecting affirmative action is disseminated to appropriate staff members.
All College administrators and supervisors must clearly understand their own responsibilities for carrying out equal employment opportunity and affirmative action as a basic part of their jobs.

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE REQUIRED BY THE ILLINOIS FAIR EMPLOYMENT PRACTICES COMMISSION AS A MATERIAL TERM OF ALL PUBLIC CONTRACTS

In the event of the contractor’s noncompliance with any provision of this Equal Employment Opportunity Clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission’s Rules and Regulations for Public Contracts, the contractor may be declared nonresponsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or avoided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation.

During the performance of this contract, the contractor agrees as follows:

(1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin or ancestry; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

(2) That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability (in accordance with the Commission’s Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

(3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, gender, national origin or ancestry.

(4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organizations or representative of the contractor’s obligations under the Illinois Fair Employment Practices Act and the Commission’s Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its effort to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Illinois Fair Employment Practices Commission and the
contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.

(5) That it will submit reports as required by the Illinois Fair Employment Practices Commission’s Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the Commission’s Rules and Regulations for Public Contracts.

(6) That it will permit access to all relevant books, records, accounts, and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission’s Rules and Regulations for Public Contracts.

(7) That it will include verbatim or by reference the provisions of paragraphs 1 through 7 of this clause in every performance subcontract as defined in Section 2.10(b) of the Commission’s Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also include the provisions of paragraphs 1, 5, 6 and 7 in every supply subcontract as defined in Section 2.10(a) of the Commission’s Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor.

In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and further it will promptly notify the contracting agency and the Illinois Fair Employment Practices Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the Commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

With respect to the two types of subcontracts referred to under paragraph 7 of the Equal Employment Opportunity Clause above, the following is an excerpt of Section 2 of the FEPC’s Rules and Regulations for Public Contracts:

Section 2.10. The term “Subcontract” means any agreement, arrangement or understanding, written or otherwise, between a contractor and any person (in which the parties do not stand in the relationship of an employer and employee):

(a) for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is utilized in the performance of any one or more contracts; or
(b) under which any portion of the contract’s obligation under any one or more contracts is performed, undertaken or assumed.

OBJECTIVES OF AFFIRMATIVE ACTION PLAN FOR EMPLOYMENT

1. To provide a positive and dynamic standard for the achievement of equal employment opportunity for members of minority groups, women, and persons with disabilities at Highland Community College.

2. To cause the Highland Community College academic community to view the Affirmative Action Plan for the improvement of employment opportunities for members of minority groups, women and persons with disabilities as an asset to the education purposes of the College;

3. To enunciate such equal opportunity policies that they exist as part of the institutional personality of the College in the community;

4. To develop action-oriented measures which will broaden initial employment opportunities as well as upward mobility avenues for members of minority groups, women and persons with disabilities;

5. To increase awareness concerning the meaning of equal opportunity on the part of all College personnel;

6. To eliminate any practices or procedures which may have a discriminatory effect on the employment potential at HCC for members of minority groups, women and persons with disabilities;

7. To audit all personnel actions to insure that no decisions are made which might discriminate on the basis of race, religion, color, gender, national origin, age, or disability.
HIRING PROCEDURE

This procedure shall be followed in hiring personnel:

A. When a vacancy exists, the Human Resources Office shall be notified immediately by the supervisor involved.
B. The Human Resources Office shall notify the President’s Office of a vacancy.
C. The supervisor/Dean, appropriate Vice President, and the President shall determine how and whether to fill the vacancy. The job description will be reviewed. The President may decide at this point to leave the position vacant.
D. Should the President decide that the position will be filled, the supervisor will complete an Announcement of Position Opening from Human Resources advertising the position for posting through campus e-mail to all employees of the College. Hard copies will be sent to those that we know do not have computer access. The President has the right to not advertise under special circumstances, such as if there are qualified individuals on lay-off or if there is a reorganization and/or a reassignment of duties and responsibilities.
E. The Human Resources Office will list the vacancy with local newspapers and/or other media and placement offices concurrently with the internal distribution unless union agreement outlines otherwise. If the vacancy is in a teaching or administrative position, media outside of Highland’s district may be contacted, as well as minority publications and websites. The affirmative action policy of the college will be emphasized in all advertisements. The ad will also indicate when review of candidates’ packets will begin, which will normally be one week from the date of the ad.
F. All applicants, including current college employees, will submit the requested application materials to the Human Resources Office.
G. HR will review all candidate packets received and forward only those meeting minimum qualifications to the screening committee for review.
H. For classified vacancies, the supervisor will screen only the applications meeting minimum qualifications and will inform the Human Resources Office of the applicants to be notified for personal interviews. The supervisor will normally consult with subordinates before selecting applicants to be interviewed.
I. Candidates for administrative or faculty positions will be interviewed by an Interviewing Committee whose membership will be determined by the supervisor and the President. Special circumstances may warrant eliminating the use of an Interviewing Committee. The existence of special circumstances shall be determined by the supervisor and the President.
   1. The Interviewing Committee shall be appointed by the President following a determination that an administrative or faculty vacancy will be filled. An individual may choose not to serve on an Interviewing Committee by contacting the President’s Office or the Human Resources Office.
   2. The Interviewing Committee’s purpose is to screen those applications meeting minimums, select the finalists, interview them, and to make a recommendation to the supervisor. The recommendation may be one of the following alternatives:
a. A listing of two to three candidates in priority ranking by the committee.
b. A listing of two or more qualified candidates without priority.
c. An individual recommendation.
d. A rejection of all candidates with the recommendation to renew the screening process or reopen the search.

3. The recommendation of the Interviewing Committee is advisory only.
4. The Chair of the committee will ensure that the selection process is completed in a timely manner.
5. Notification of unsuccessful candidates that were not called in for an interview shall be the responsibility of the Human Resources Office. Notification of unsuccessful candidates that have interviewed will normally be made by the Committee Chair.

J. Reference checks on candidates recommended by the Interviewing Committee will normally be made by the Human Resources Office. Reference checks may be made prior to bringing candidates on campus for an interview. If so, those candidates should be informed that these reference checks will be made.

K. Human Resources will conduct criminal history background checks on all final candidates for security sensitive positions.

L. Classified vacancies will generally be filled through the recommendation of the supervisor, but are subject to review by the Human Resources Office, appropriate Vice President, and President.

M. Appointments to faculty and administrative vacancies must receive approval of the President and the Board of Trustees.

GRIEVANCE PROCEDURE - (For personnel excluding faculty and custodial/maintenance)

A grievance is defined as a claim of an individual employee, as well as a group of employees, that the employee's or the employees' rights, according to Board policy, have not been respected.

Whenever an employee feels that the employee's rights, according to Board policy, have not been respected by the College and has been unable to resolve the problem by informal means, the person, individually or with another College employee as a representative, shall discuss the grievance with the immediate supervisor.

This discussion shall occur no later than 10 working days from the time Grievant became aware of, or in the exercise of reasonable diligence should have become aware of, the event giving rise to the grievance.

A. If, as a result of the informal discussion with the supervisor a grievance still exists, the Grievant may, no later than 20 working days following the discussion, invoke formal grievance procedures in writing which will include:
1. a concise statement of the grievance;

2. a general statement of the relevant facts which form the basis for the complaint, citing the relevant sections(s) of Board Policy;

3. the date of the alleged occurrence;

4. an indication of the resolution sought;

5. an account of any attempts at resolution through informal means;

6. the signature of the Grievant; and

7. the date the grievance is submitted to the employee's immediate supervisor.

Two copies of the grievance shall be filed with the President of the College or a representative designated by the President and two copies with the immediate supervisor.

B. Within seven working days from the date of filing, the President of the College or his/her designee shall meet with the Grievant in an effort to resolve the grievance. The President or his/her designee shall indicate his/her disposition of the grievance in writing within seven working days of this meeting.

C. If the Grievant is not satisfied with the disposition of the grievance by the President or designee, or if no disposition has been made within the time limits in Paragraph B, the grievance shall be transmitted within 10 working days to the Board of Trustees by filing a written copy thereof with the Chair of the Board. The Grievant and/or his/her representative shall have the right to present oral arguments in his/her behalf to the Board. The Board shall dispose of the grievance within 10 working days by notifying the Grievant in writing and shall state its reason in the event the grievance is denied.

D. No reprisals of any kind shall be taken against any employee for any participation in any grievance.

E. The number of days indicated at each level shall be considered as maximum and every effort should be made to expedite the process. However, the time limits may be extended by mutual consent.

F. No records dealing with a grievance shall be filed as part of the personnel files of the participant(s).

G. The Grievant may withdraw his/her grievance at any level.

H. Failure to meet the time limits set forth in the above procedures shall be deemed a default by the party failing to meet the time limit unless an extension is approved by the other party.
Faculty and custodial/maintenance employees should follow the Grievance Procedures outlined in their respective bargaining agreements.

ESTABLISHING GOALS AND TIMETABLES FOR IMPLEMENTATION OF IMPROVEMENT OF EQUAL OPPORTUNITY IN EMPLOYMENT

Employee turnover and unit staffing needs will be analyzed.
OVERVIEW OF LAWS AND EXECUTIVE ORDERS

TITLE VII OF THE CIVIL RIGHTS ACTS OF 1964 – Title VII outlaws any kind of
discrimination against employees or applicants for employment on the basis of race,
color, religion, sex, or national origin. In 1978, the Pregnancy Discrimination Act
amended Title VII and clarified that women affected by pregnancy and related conditions
must be treated the same as other applicants and employees on the basis of their ability or
inability to work. This applies to employers of 15 or more. See
www.dol.gov/oasam/regs/statutes for further information.

EQUAL PAY ACT OF 1963 – This act, part of the Fair Labor Standards Act, requires
that men and women performing equal work must receive equal pay. This applies to
employers of 15 or more. See www.dol.gov/oasam/regs/statutes for further information.

AGE DISCRIMINATION IN EMPLOYMENT ACT – This act prohibits discrimination
against individuals 40 years of age and over and applies to employers of 20 or more.
See www.dol.gov/oasam/regs/statutes for further information.

EXECUTIVE ORDER 11246 – Executive Order 11246 (as amended by EO 11375) not
only bans discrimination, but requires affirmative action on the part of federal
government contractors and requires contractors to submit a written affirmative action
plan. Executive Order 11141 prohibits discrimination on the basis of age by government
contractors. (HCC is a federal government contractor). Executive Order 11914 bars
discrimination against the handicapped in federally assisted programs. See

REHABILITATION ACT OF 1973 – The Rehabilitation Act of 1973, sections 503 and
504, applies to government contractors and subcontractors as well as to those receiving
government grants. The Act prohibits discrimination based on physical and mental
handicaps and mandates affirmative action to employ qualified handicapped persons.
alcoholism, drug addiction, and mental illness are included under the Act’s definition of
handicap. This applies to employers of 15 or more. See
www.dol.gov/oasam/regs/statutes for further information.

VIETNAM ERA VETERANS READJUSTMENT ACT OF 1974 (EMPLOYMENT
AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS ACT) – This
federal statute, effective December 3, 1974, requires organizations holding federal
contracts of $10,000 or more to take “affirmative action to hire and advance in
employment disabled and Vietnam-era veterans.” See www.dol.gov/esa/regs/compliance
for further information.

ILLINOIS HUMAN RIGHTS ACT OF 1980 – This state law broadens federal law to
prevent discrimination based upon marital status and unfavorable discharge from military
service and ancestry. See www.legis.state.il.us/legislation/ilcs/chapterlist.html for further
information.
AMERICANS WITH DISABILITIES ACT OF 1990 – This federal statute, which is effective July 26, 1992, prohibits discrimination against a qualified individual with a disability in regard to job application procedures, hiring, advancement or discharge, compensation, training and other terms, conditions and privileges of employment. This applies to employers of 15 or more. See www.dol.gov/oasam/regs/statutes for further information.

OLDER WORKERS BENEFIT PROTECTION ACT – This federal statute, effective April 14, 1991 or June 1, 1992 if covered by a collective bargaining agreement, or possibly October 16, 1992 for local government entities, prohibits age-based discrimination in the structure and administration of employee benefit plans unless justified by cost incurred. See www.eeoc.gov/35th/thelaw/owbpa.html for further information.

THE EDUCATION AMENDMENTS OF 1972 – Title IX of this federal statute states no institution or school shall discriminate on the basis of sex in education programs or activities receiving federal financial assistance. See www.dol.gov/oasam/regs/statutes for further information.

IMMIGRATION REFORM AND CONTROL ACT OF 1986 – This federal statute prohibits discrimination on the basis of national origin or citizenship status; except for unauthorized aliens. See www.dol.gov/esa/regs/compliance for further information.

NATIONAL LABOR RELATIONS ACT – This federal statute prohibits discrimination against an employee and/or prospective employee with regard to hiring or tenure of employment so as to encourage or discourage membership in a labor organization or from discharging or discriminating against an employee for filing a complaint under the Act or testifying. See www.nlrb.gov/publications/nlrb4.pdf for further information.

VOCATIONAL REHABILITATION ACT OF 1973 – This federal statute requires contractors and subcontractors who do over $2,500 per year in business with the federal government to take affirmative action to employ and advance in employment qualified handicapped individuals. See www.dol.gov/oasam/regs/statutes for further information.

ILLINOIS EDUCATIONAL LABOR RELATIONS ACTS – This Illinois statute makes it an unfair labor practice for an educational employer to discriminate in regard to hiring and tenure of employment or any term or condition of employment in order to encourage or discourage membership in any employee organization or to discharge or discriminate against an employee because he/she signed or filed an affidavit, authorization card, petition, or complaint or gave information or testimony under the Act. See www.legis.state.il.us/legislation/ilcs/chapterlist.html for further information.

ILLINOIS NATIONAL GUARD ACT – This Illinois statute imposes criminal sanctions for willfully depriving a member of the Illinois National Guard or Naval Militia of employment because of membership. See www.legis.state.il.us/legislation/ilcs/chapterlist.html for further information.