



**Administrative Policies and Procedures**

<b>Procedure Number</b>	<b>Subject</b>	<b>Effective Date</b>	<b>Revised Date</b>
HR-1.4.28	Equal Employment Opportunity and Affirmative Action Policy	07/01/2007	

It is the policy of Bainbridge College not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, handicap, age or being a disabled veteran or veteran of the Vietnam era. This policy extends to recruitment, employment, promotion, demotion, transfer, lay-off, termination, compensation, training, benefits and all other terms and conditions of employment.

Employment opportunities will not be distinguished on the basis of gender unless gender is a bona fide occupational qualification. Employment opportunities will not be distinguished on the basis of age except where age is reasonably taken into account as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity administered by the College.

The College will take affirmative action to recruit, employ and to advance in employment minorities, women, disabled veterans and veterans of the Vietnam era. Reasonable accommodations will be made for otherwise qualified disabled veterans and other handicapped persons.

Bainbridge College is a place where equal opportunity for faculty, staff and students is welcomed and embraced both in spirit and in law. The College's commitment is an institutional commitment. Positive results are expected from signatory officers and supervisors whose employment decisions have a direct impact on the attainment of the College's affirmative action goals.

Complaints by faculty members, staff or students should be directed to the Vice President of Business Affairs, Administration Building (229) 248-2520. This includes complaints concerning a disability and requests from employees for a reasonable accommodation.

**I. Interpretation of Policy**

Bainbridge College will act affirmatively to employ individuals without regard to race, color, religion, sex, national origin, age, disability or being a disabled veteran or veteran of the Vietnam era. Non-discriminatory practices shall be applied to all actions related to employment: promotion, demotion, transfer, recruitment, layoff, termination, compensation and selection for training.



The College will act affirmatively to recruit women and minorities to apply for those jobs where they may have been inadvertently excluded.

The College will reasonably accommodate the religious observances and practices of employees and prospective employees whenever possible when made aware of the need for special accommodation.

Affirmative action will be taken to employ and to advance in employment-qualified veterans of the Vietnam era and disabled veterans who are capable of performing a particular job with reasonable accommodation for their disabilities.

Employees of both genders have an equal opportunity to apply for and be employed in available jobs for which they are qualified unless gender is a bona fide occupational qualification. Gender will not determine employment opportunities, wages or other conditions of employment, and will not be a determinate in the areas of employer contributions for insurance, pensions and other similar benefits offered to all employees. In this regard, the College does not discriminate on the basis of pregnancy or pregnancy-related disability. Pregnancy and pregnancy-related illness or disability will be treated as any other illness or health-care condition. In accordance with Bainbridge College's policy, sexual harassment will not be tolerated.

Publications originating from the College which are designed to attract employees at any level or to recruit students shall contain the following statement:

Bainbridge College does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran status in provision of educational or employment opportunities and benefits. This policy extends to both employment by as well as admission to and matriculation at the College. The College does not discriminate on the basis of race, sex or disability in the education programs and activities that it operates, pursuant to the requirements of Title IX of the Education Amendments Act of 1972, Pub. L. 92-318 and Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, respectively, or on the basis of Titles VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act with regard to employment, services, and programs.

Inquiries or charges concerning Titles VI, VII, and IX as well as Section 504 and the Americans with Disabilities Act or the Age Discrimination in Employment Act, or any of the above-referenced policies, should be directed to the Vice President of Business Affairs, Administration Building, 2500 E. Shotwell Street, Bainbridge, GA 39819, (229) 248-2520.



Recruiting advertisements placed in local, state or national publications may be condensed as follows: Bainbridge College is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA employer.

## **II. Introduction**

The following synopsis of the policy and practices related to affirmative action at Bainbridge College has been developed to lessen confusion related to the definition of affirmative action and the relation of affirmative action to equal employment opportunity. An affirmative action program is defined by Federal Rules and Regulations at 41 CFR 60-2.10 as "...a set of specific and result-oriented procedures to which [the employer] commits itself to apply every good faith effort. The objective of those procedures, plus such efforts, is equal employment opportunity."

An Affirmative Action Plan encourages analysis of any gender or race imbalance in an organization's work force and outlines reasonable steps for its correction. Bainbridge College's Affirmative Action Plan also includes a reasonable self-analysis; the goals outlined in it are temporary, flexible, and specifically designed to solve identified problems, as required by the U.S. Department of Labor's Guidelines on Affirmative Action.

Bainbridge College's Affirmative Action Plan is intended to achieve a statistically measurable annual improvement in hiring and promoting minorities and females in job groups in which comparison of the proportion of minorities and/or females are underutilized at the College. The long-term goal is to attain a work force composition that reflects the proportion of available females and minorities in the relevant labor area who are qualified for employment. In accordance with federal regulations, Bainbridge College's Affirmative Action Plan requires that goals be established and adjusted annually to serve as the most realistic guide for employment decisions.

Underutilization, in itself, does not indicate discrimination. Bainbridge College's Affirmative Action Plan has been adopted to address underutilization of females and minorities in the work force without placing a ban upon the hiring or advancement of other employees or requiring that preferential employment treatment be afforded to females or minorities (except to the extent required by law or regulations). The Plan requires that numerous factors be considered in making employment decisions, including the number of applicants qualified for particular positions and distinctions in qualifications among candidates.

In the Affirmative Action Plan that follows, Bainbridge College has used the obligatory terminology "utilization" as required by Revised Order 4. This term is expressly disavowed as an admission of any kind outside the context of the submission. It does not represent the independent conclusion of the College and



is of no independent consequence beyond the requirements of Executive Order 11246. Further, the College has obligatorily clustered job titles into groups and does not imply that the jobs so clustered are of comparable worth to the College.

The use of certain geographic areas, skill and qualification assumptions and sources of statistics does not indicate the College's agreement that the geographic area is appropriate, that the skill and qualification assumptions are correct, or that the sources of statistics are relevant. Moreover, the use of such geographic areas, skill and qualification assumptions and statistics is intended to have no significance outside the context of this Affirmative Action Plan and does not constitute an admission as to relevance. Such statistics, skill and qualification assumptions and geographic areas will, however, be used in total good faith with respect to this Affirmative Action Plan.

Wherever the term "goal" is used it is expressly intended, as stated at 41 CFR 60-2.30, that such "...should not be used to discriminate against any applicant or employee because of race, color, religion, sex or national origin."

A copy of Bainbridge College's Affirmative Action Plan is available for review in the Business Office, Administration Building, 2500 E. Shotwell Street, Bainbridge, GA 39819, by any interested individual. The Plan may be reviewed at the above office during normal business hours (8:00 a.m. - 5:00 p.m., Monday - Friday) except on official College holidays or days of administrative closings of the institution.

### **III. Dissemination of Policy**

To assure proper communication and understanding of Bainbridge College's Equal Employment Opportunity and Affirmative Action Policy, internal and external dissemination of this policy will be carried out as follows:

#### **A. Internal Dissemination**

Bainbridge College's Equal Employment Opportunity and Affirmative Action Policy will be internally communicated to members of our work force in the following manner:

1. Memorandum: A policy statement regarding the College's commitment to equal employment opportunity and affirmative action is sent annually by the President to all Bainbridge College employees.
2. Handbook for Faculty and Staff: Bainbridge College's equal employment opportunity and affirmative action policy and the College's procedures related to these areas are included in the Handbook. A copy of the Handbook is distributed



to persons with responsibilities for personnel actions, including chairs, directors, department heads, and other administrators.

3. Whenever practicable, an appropriate policy statement is included in internal publications.
4. Bainbridge College's equal employment opportunity and affirmative action policy will be posted throughout campus.
5. All applicants are given an opportunity to identify their veteran status.
6. All new employees are given an opportunity to identify any disability they may have.
7. The President, Vice Presidents, Directors and Chairs of Bainbridge College will emphasize the equal employment opportunity and affirmative action policy in staff meetings and in other meetings with College staff.
8. The Vice President of Business Affairs, or designee, will begin meeting with search committees recruiting for directors, department chairs, vice presidents and other upper-level and faculty employees as appropriate. The purpose of these meetings is to charge each committee with its duty concerning affirmative action and equal employment opportunity policies on Bainbridge College campus.
9. A copy of Bainbridge College's Affirmative Action Plan is presented to the President, Vice Presidents, Directors, Chairs and other Bainbridge College administrators on campus. These persons are responsible for communicating the contents of this Plan to supervisory personnel within their respective organizational unit(s).
10. A copy of the Plan is also available for review in the Office of Human Resources, Administration Building.

#### A. External Dissemination

Methods to communicate and disseminate the College's policy to external organizations and individuals include the following efforts.

1. Recruiting sources are informed of Bainbridge College's policy concerning Equal Employment Opportunity/Affirmative Action.
2. An appropriate summary of the policy is included in published job announcements.



3. When outside employment sources are used, they are notified that Bainbridge College is an equal employment opportunity employer.

4. College publications include information about Bainbridge College's Equal Opportunity and Affirmative Action Policy.

#### **IV. Responsibility for Implementation of Policy**

On Bainbridge College's campus, the Vice President of Business Affairs is assigned the overall responsibility for the development, implementation and administration of the affirmative action program. The Vice President of Business Affairs reports directly to President. General responsibility for all efforts to ensure that affirmative action is taken and that equal employment opportunity is observed rests with the President and the Vice President of Business Affairs. The Vice Presidents, Directors and Chairs each take an obvious supportive role in the areas of equal opportunity and affirmative action.

All Bainbridge College employees are held responsible for conducting themselves in a nondiscriminatory manner. Bainbridge College has found that the most efficacious way for this unique institution to implement its equal employment opportunity and affirmative action policy is to place responsibility for its implementation in the line of authority for all personnel actions, with assistance and monitoring provided by the Vice President of Business Affairs. Thus, the responsibility for equal employment opportunity and affirmative action is a part of the job of each administrator, including, but not limited to, Vice Presidents, Department Chairs, Directors, Managers and Department Heads. Supervisors have responsibility for complying with and assisting the above officials in carrying out the College's affirmative action program.

The President advises the Vice Presidents, Directors, and Chairs that their overall work performance will be evaluated with consideration given to their efforts to promote equal employment opportunity and affirmative action, and to the end results of these efforts. These administrators, in turn, are required to advise those employees under their direction that their performance evaluation, in part, will be based on their efforts and results of equal employment opportunity and affirmative action practices.

The Vice President of Business Affairs, with consultation from the President, has the following responsibilities:

A. Develop policy statements, design and implement affirmative action programs and devise mechanisms to ensure appropriate internal and external communications of these documents or programs.



- B. Supervise preparation and implementation of the Affirmative Action Plan, including relevant analyses.
- C. Investigate complaints of discrimination.
- D. Investigate complaints of sexual harassment.
- E. Assist in the establishment of institutional goals and objectives.
- F. Design and implement audit and reporting systems to aid in measuring compliance with and the effect of the institution's affirmative action policy. These systems are used to determine the degree to which published goals and objectives are being achieved.
- G. Conduct workshops and training programs to reinforce and explain Bainbridge College's affirmative action and equal employment opportunity policy.
- H. Assist management in the identification of problem areas and in establishing objectives and action plans.
- I. Meet as needed with search committees formed to recruit chairs, faculty, directors and similar level candidates to discuss affirmative action and equal employment.
- J. Serve as liaison between Bainbridge College and enforcement agencies.
- K. Remain actively involved with organizations concerned with employment opportunities for minorities and women.
- L. Keep management informed of the latest developments in affirmative action and equal employment laws and regulations.
- M. Audit periodically to ensure that the College is in compliance in areas such as:
  - 1. desegregation of facilities maintained by the College for the use and benefit of its employees, both in policy and use;
  - 2. provision of comparable facilities provided by the College for both genders;
  - 3. participation of underrepresented employees in Bainbridge College's sponsored educational, training, recreational and social activities; and
  - 4. proper display of Equal Employment Opportunity posters.



N. Hold discussions with managers and supervisors to assure that the College's affirmative action and equal employment opportunity policy is being followed.

## **V. Sex Discrimination Information**

Bainbridge College is committed to ensuring equal employment opportunity for all persons, regardless of gender, and takes the following steps to prevent discrimination on the basis of sex.

A. When engaged in recruiting activities, Bainbridge College recruits applicants of both genders for all jobs unless gender is a bona fide occupational qualification.

B. Recruiting advertisements in newspapers and other media do not express a gender preference unless gender is a bona fide occupational qualification for the job.

C. Bainbridge College's written personnel policy expressly indicates that there shall be no discrimination against employees because of gender.

D. Employees of both genders shall have an equal opportunity to obtain any available job that he or she is qualified to perform, unless gender is a bona fide occupational qualification.

E. Bainbridge College does not make any distinction based on gender in employment opportunities, wages, hours or other conditions of employment. No distinctions are made on the basis of gender in employee rates of contribution for employment fringe benefits.

F. Bainbridge College makes no reference to married or unmarried persons of either gender in employment or promotional opportunities, nor does the institution deny employment to women with young children.

G. Policies and practices of Bainbridge College assure appropriate physical facilities for both genders. Bainbridge College does not deny employment or promotional opportunity to a person of either sex because of a lack of appropriate physical facilities.

H. Bainbridge College will treat disability due to pregnancy or to pregnancy-related conditions in the same manner as any other disability.

I. Usage of the concept of seniority at Bainbridge College, although limited, is not based on gender.

J. Bainbridge College does not restrict job classifications to members of one gender unless gender is a bona fide occupational qualification.

K. Bainbridge College is committed to affirmatively recruiting women to apply for positions within job groups in which historic underutilization continues to exist.

L. At Bainbridge College, employees of both genders have equal access to training programs and to educational assistance programs.

M. Nothing in these guidelines shall be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinction may not be recognized by the employer in making specific assignments. The purpose of these guidelines is to ensure that such distinctions are not based on gender.



## **VI. Sexual Harassment Information**

Bainbridge College is committed to fostering an environment that prevents sexual harassment. The College follows the Equal Employment Opportunity Commission's guideline definition of sexual harassment as its guideline for defining sexual harassment.

These guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct has the purpose or effect of unreasonably interfering with an individual's work environment. This guideline is implemented at Bainbridge College in the following manner:

A. All Bainbridge College employees are responsible for avoiding behavior that would be in violation of the College's sexual harassment policy. Appropriate disciplinary action will be taken against individuals found to have violated that policy.

B. Any employee or applicant for employment at the College may file a complaint alleging violation of the sexual harassment policy with the Vice President of Business Affairs, Administration Building (229) 248-2520.

C. Any student whose educational progress and opportunities are affected by behavior which may violate the College's sexual harassment policy is protected against such behavior under the definitions, processes and consequences cited above. Complaints alleging violation of the sexual harassment policy may be filed with the Vice President of Business Affairs, Administration Building, (229) 248-2520.

D. Both males and females can be perpetrators of sexual harassment and both males and females can be victims of sexual harassment.

E. Persons who knowingly bring false allegations may be subjected to immediate disciplinary action up to and including termination of employment or enrollment in an educational program.

This procedure is intended to protect all Bainbridge College employees and students. Bainbridge College's policy concerning sexual harassment is appended.

## **VII. Complaint Procedure**

Employees, students, applicants for admission or employment, or other participants in Bainbridge College programs or activities, who believe that they have been discriminated against on the basis of race, color, gender (including sexual harassment), religion, national origin, age, disability or veteran status are entitled to seek relief through the following procedure.

College policy prohibits retaliatory action being taken against any complainant or any person assisting in the investigation of a complainant who is acting in good



faith. Persons who knowingly bring false allegations may be subjected to immediate disciplinary action.

In the event a complaint cannot be resolved by the parties on an informal basis, the complaint should be submitted in writing to the Vice President of Business Affairs, Administration Building. Complaints must be submitted within 300 days of the alleged discriminatory action (including sexual harassment). In certain circumstances, at the discretion of the Vice President of Business Affairs, complaints that are not reduced to writing or that fall outside the specified time limit may be investigated informally. The Vice President of Business Affairs will investigate the complaint pursuant to the following guidelines:

A. Whenever possible the Vice President of Business Affairs, or designee, will seek to resolve the matter informally. The complainant will be notified of the resolution.

B. The Vice President of Business Affairs, or the designee, will conduct an investigation, the nature and scope of which will be determined on a case-by-case basis. This investigation may include any or all of the following, as well as other actions as is deemed appropriate: interviewing the complainant, the respondent and witnesses; submitting questions to or taking statements from parties or witnesses; reviewing documents and appointing an investigative committee.

C. If a formal hearing committee is formed, it will consist of at least three persons other than the Vice President of Business Affairs or designee. If the complainant is a faculty member, at least one member of the panel shall be a member of the faculty. If the complainant is a staff member, at least one member of the panel shall be a staff employee. If the complainant is a student, the panel shall include one student. No member of the hearing panel should be from the same department of the College as the complainant or respondent. The Vice President of Business Affairs, or designee, will be the non-voting chair of the panel. A court reporter may be retained to record the proceedings at the discretion of the Vice President of Business Affairs or designee. The panel members will make a decision in a timely manner.

D. Upon the conclusion of the investigation and/or hearing, the Vice President of Business Affairs, or designee, in the instance of complaints against faculty, residents or students, will present findings and recommendations to the appropriate Vice President for a decision concerning disciplinary action. The employee's Department Chair or other appropriate person(s) may be consulted and may be a part of the decision-making process if desired by the Vice President. The complainant will be informed of the decision by the Vice President or designee.

E. The Vice President of Business Affairs, or designee, in the instance of non-faculty complaints, will present findings and recommendations to the Vice President responsible for the division of the involved employee(s) for a decision concerning disciplinary action. The Vice President responsible for the division of the involved employee(s) will be consulted and will be a part of the decision-



making process. The complainant will be informed of the decision by the appropriate Vice President, or designee, in a timely manner.

F. The complainant may appeal the decision by submitting an appeal, in writing, to the President. Such an appeal must be made within five (5) days of the receipt of the decision from the appropriate Chair, Director or Vice President.

### **VIII. Action-Oriented Programs**

Members of Bainbridge College's staff maintains contact with universities, community colleges, city schools with high minority enrollment, professional women's and minority organizations and equal employment and affirmative action organizations to offer assistance in programs concerned with improving the employment opportunities of minorities or women.

In addition, Bainbridge College has developed and implemented action-oriented programs designed to eliminate identified problems and to attain established goals. The following list must be considered representative rather than all-inclusive.

A. Employment openings are listed in an appropriate office of the state employment system.

B. The Business Office maintains a list of recruitment and referral sources for faculty, administrative and some staff exempt positions. The Office of Human Resources maintains an extensive list of recruitment and referral sources for staff exempt and staff non-exempt positions.

C. The Vice President of Business Affairs, or designee, will periodically review College publications to ensure the proper display of Bainbridge College equal employment opportunity and affirmative action policy.

E. Disabled veterans and other persons with disabilities are invited to identify themselves after a job offer is extended. Veterans of the Vietnam era are invited to identify themselves at the time they apply for a position. Employees are invited to declare their disability and/or veteran status. All invitations state that the information is voluntarily provided, that it will be kept confidential to the extent allowed by the law, and that refusal to provide it will not subject the applicant or employee to any adverse treatment.

F. Bainbridge College's policy regarding employment requires that the Vice President of Business Affairs, or his/her designee, review employment authorizations for hires before a job offer can be made to a candidate. This procedure is in place to ensure compliance with affirmative action and equal employment opportunity policies.

G. When appropriate, faculty and upper-level positions are advertised in the



Chronicle of Higher Education, Affirmative Action Register, as well as professional journals and computer list services via the Internet.

It is hoped that these efforts will be helpful in increasing opportunities for employment or promotion of females and minorities. Many of the administrative units at Bainbridge College also provide funds and time away from campus for employees to attend seminars, conferences and other training programs.

**IX. Support of Community Action and Service Programs**

Bainbridge College believes that meeting the educational needs of those persons living at or below the poverty level is important to their viability in the work force. To that end, the College supports many community-based organizations and programs.

**X. Minority Student Recruitment**

The College operates a multi-faceted program of student recruitment. Admissions counselors are responsible for every student, regardless of race.

**XI. Minorities and Women Not Currently in the Work Force**

Such individuals who have requisite skills and can be recruited through affirmative action measures are given consideration for employment at Bainbridge College. When appropriate, advertisements for position vacancies are placed in the area newspapers in an effort to attract minorities and/or females not currently in the work force.