

Equal Employment Opportunity/ Affirmative Action Program

**Kirkwood Community College
Cedar Rapids**

September 2020

Contents

Rationale and Intent	1
EEO/AA Board Policy	2
Administration of the Program	3
President.....	3
Administrative and Supervisory Personnel.....	3
Vice President, Human Resources	4
Diversity and Inclusion	5
Current Workforce Data	6
Objectives of the Program	7
Discrimination and Sexual Harassment Complaint Process.....	8
Definition of Sexual Harassment	11
General Harassment/Workplace Violence	12
Employment Activities	13
Recruitment.....	13
Selection and Placement	13
Transfer, Promotion, Reassignment.....	13
Training and Development	14
Compensation, Benefits, Working Conditions	14
Disciplinary Action, Termination, Retrenchment.....	14
Consensual Relationships	15
Americans with Disabilities Act	16
Affirmative Action Utilization Study	17
Annual Utilization Report.....	18
New Hires Report	19
Glossary	20

Kirkwood Community College
Equal Employment Opportunity/Affirmative Action Program

Equal Employment Opportunity - The legal necessity to maintain programs to insure fair and equitable treatment of all employees and applicants regardless of sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, physical or mental ability, veteran status, genetic information, or socioeconomic status.

Kirkwood Community College has established an equal employment opportunity/affirmative action program to reflect its moral, ethical, and legal commitment to equity in employment activities and in educational services. This plan serves as an assurance to students, employees, and to the larger community of Kirkwood's efforts to comply with local, state, and federal regulations requiring equal employment opportunity, equal educational opportunity, and affirmative action.

Affirmative Action - The legal necessity to maintain a recruitment and employment program that will affect a change in staffing patterns; an attempt to eliminate employment discrimination based upon sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, physical or mental ability, veteran status, genetic information, or socioeconomic status.

This program is also designed to support affirmative action practices that advance the representation and utilization of protected class members. It is not intended to be an end product, but rather an indication of an ongoing process toward accomplishing objectives and resolving conflict related to employment and educational equity within the college.

Kirkwood Community College
Equal Employment Opportunity/Affirmative Action

Kirkwood Community College shall not engage in nor allow unlawful discrimination against any employee or applicant for employment. This includes all employment practices, hiring practices, and unwelcome harassment of applicants or employees based on race, color, national origin, creed, religion, sex, sexual orientation, gender identity, age, disability, genetic information or actual or potential parental, family, marital status or veteran status. If you have questions or complaints related to compliance with the policy, please contact the Vice President of Human Resources at Kirkwood Community College, 313 Kirkwood Hall, 6301 Kirkwood Blvd., SW, Cedar Rapids, IA 52404, Telephone: 319-398-5572, Email: equity@Kirkwood.edu or the Director of the Office for Civil Rights U.S. Department of Education, Citigroup Center, 500 W. Madison St., Suite 1475, Chicago, IL 60661-7204, Telephone: 312-730-1560, Fax: 312-730-1576, Email: OCR.Chicago@ed.gov.

To assure that equal opportunity and non-discriminatory behavior is afforded to all students, employees, and applicants, Kirkwood Community College recognizes the need for, and the implementation of, an Equal Employment Opportunity/Affirmative Action plan.

Legal References: (Code of Iowa)

Title VI, Title VII, Civil Rights Act of 1964 (as amended by the EEO Act, 1972); Executive Order 11246 as amended by Exec. Order 11375, Equal Pay Act, 1963; Age Discrimination in Employment Act, 1967 (as amended); Title IX of the Educational Amendments of 1972, Section 503, 504 of the Rehabilitation Act of 1973 (as amended); Section 402 of the Vietnam Veterans Readjustment Assistance Act, Americans with Disabilities Act of 1990, Civil Rights Act of 1991, Chapter 216, Iowa State Code, Executive Order 15, Chapter 69 of the Cedar Rapids Municipal Code (ordinance 25-94).

Date of –

Adoption: January 23, 1975
Reviewed: July 1, 1975
Revised: January 31, 1986
Revised: August 28, 1986
Reviewed: July, 1990
Revised: November 10, 1992
Reviewed: February 10, 1995

Revised: April 6, 1998
Revised: March 8, 2000
Revised: April 3, 2002
Revised: May 2004
Revised: October 2006
Revised: May 2009
Revised: September 2011

Administration of the Program

The President, Vice President, Human Resources, as well as all supervisors and employees are charged with the responsibility for supporting and complying with equal opportunity/affirmative action principles.

Responsibility of the President

The President has ultimate responsibility for the administration of the EEO/AA program. The support for and commitment to equal opportunity in all facets of the college lies within the Office of the President. Under the direction of the President, staff members assume specific responsibilities for maintaining procedures in compliance with all relevant federal and state equal opportunity/affirmative action legislation.

Responsibility of Administrative and Supervisory Personnel

All administrative and supervisory staff are familiar with equal employment opportunity/affirmative action guidelines, policies, and procedures as they affect employment activities within their departments. They exercise their supervisory responsibility to insure that persons under their direction are treated in an equitable manner, without regard to sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, physical or mental ability, veteran status, genetic information, or socioeconomic status . Administrative and supervisory staff assist with the college's EEO/AA program throughout the recruitment and selection process, and in any other employment actions or recommendations involving college personnel. It is also the responsibility of administrative and supervisory staff to keep the Vice President, Human Resources informed of any complaints or incidents of a discriminatory nature of which they become aware.

Responsibility of the Vice President, Human Resources/EEO Officer

The Vice President, Human Resources, is responsible for insuring compliance with legal mandates for equal employment opportunity/affirmative action that are applicable to the college personnel. Such responsibilities include the review and revision of employment practices and procedures to comply with current employment legislation and with the policies of the Board of Trustees. The Vice President, Human Resources, maintains a system which monitors all recruitment, selection, and placement procedures to insure that non-discriminatory practices are being exercised. The Vice President, Human Resources gives fair and impartial consideration to all requests and recommendations for employment actions to be processed through that office.

The Vice President, Human Resources is also responsible for the review, continued development, and coordination of the EEO/AA Program. The Vice President, Human Resources provides assistance to administrative and supervisory personnel in the continuous effort to afford equal opportunity to all segments of the college community. The Vice President, Human Resources assists in the identification of problem areas and monitors steps to alleviate inequitable conditions and situations as they might arise. The Vice President, Human Resources serves as a liaison with external civil rights agencies and processes internal discrimination complaints in an effort to resolve them at the local EEO/AA program level.

Wes Fowler, J.D.
Vice President, Human Resources
313E Kirkwood Hall
6301 Kirkwood Blvd. SW
Cedar Rapids, Iowa, 52404
Phone: 319-398-7797
Fax: 319-398-5502
Email: wes.fowler@kirkwood.edu

Diversity and Inclusion:

Kirkwood Community College recognizes the importance that a diverse workforce can have on developing a more inclusive college climate for learning. In various research studies, colleges that have emphasized and promoted diversity within their classrooms and on their campuses saw a positive impact to students including:

- Improved Cognitive Development (Astin, 1993)
- Greater Satisfaction with their overall College Experience (Astin, 1993)
- Improved Leadership Skills (Astin, 1993)
- Growth in Intellectual and Academic Skills (Gurin, 2002)
- Enhanced Critical Thinking (Pascarella et al., 1996)

As an institution of higher learning, Kirkwood Community College will work to maximize the benefits that come with such a diverse and inclusive environment by challenging students and staff to think critically about their assumptions, seek out knowledge, be open to new perspectives, as well as examine their own perspectives. (Gurin, Dey, Hurtado, & Gurin, 2002) and (Maruyama and Moreno, 2000)

Astin 1993

<http://cudrlstudentstaff.pbworks.com/f/Astin+1993+What+Matters+in+College.doc>

Gurin 2002

http://www.temple.edu/tlc/resources/handouts/diversity/Gurin_and_Hurtado.pdf

Kirkwood Community College Current Workforce Data (As of July 2020)

	Current Kirkwood Workforce as of 7/21/20			Utilization		Number Available in Seven County Area			Utilization Goal		Underutilized? Yes/No	*Goals: Number of New Hires		
	Total	Female	Minority	% Female	% Minority	Total	Female	Minority	% Female	% Minority	Female	Minority	Female	Minority
Administrative (Cabinet Level)	10	3	0	30.0%	0.0%	42	16	8	38.1%	19.0%	Yes	Yes	1	2
Professional (Includes Professional Staff & Faculty)	574	300	31	52.3%	5.4%	2322	1224	462	52.7%	19.9%	Yes	Yes	3	83
Technical	2	1	0	50.0%	0.0%	237	74	57	31.2%	24.1%	Yes	Yes	0	0
Office Staff	101	87	12	86.1%	11.9%	1800	1343	445	74.6%	24.7%	No	Yes	--	13
Service Staff	115	46	21	40.0%	18.3%	1,435	437	432	30.5%	30.1%	No	Yes	--	14
TOTAL	802	437	64	54.5%	8.0%	5,836	3,094	1404	53.0%	24.1%	Yes	Yes		

Self identification of minority status is not required for applicants with IWD.
 Applicants with unknown minority status were recorded as non-minority.
 * Goals are not required when full utilization would mean less than a full person.

Source: Iowa Workforce Development Database Reports 8/22/16

Program Goals and Activities

1. Review all job descriptions to ensure they are free from inadvertent bias.
2. Distribute updated EEO/AA information to supervisory personnel, the Cabinet, and Board of Trustees.
3. Review employee policies and revise as needed.
4. Review discrimination/sexual harassment policies and procedures with new employees.
5. Perform all recordkeeping functions as they pertain to job applicant data and current work force data.
6. Ensure all employees complete a managing bias training be a part of a hiring committee.
7. Utilize minority focused posting partners for position advertisements.
8. Liberalizing the review process to be more inclusive (refugee population, employees with disabilities, ect).
9. Human Resources to review candidates selected to interview to ensure unbiased selection.
10. Increase racial diversity of the overall application pool for faculty by 5%.
11. Establish a ratio of .70 minority employee population to Cedar Rapids' minority population by FY2021.
12. Seeking a consultant for diversity, equity and inclusion to help develop a strategic plan and assist with future job descriptions in this area.
13. Developing a quarterly equity report that shows applicant pools, interview selections and hires based on race and gender.

Discrimination and Sexual Harassment Complaint Process

All Kirkwood employees and students who feel they have been denied equal opportunity on the basis of sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, physical or mental ability, veteran status, genetic information, or socioeconomic status may seek remedy through an internal complaint process. This process also pertains to those who feel they have been the subjects of sexual harassment (see definition on page 11). The college assures that full cooperation will be provided to any individual filing a complaint with no threat of penalty or reprisal to the complainant. If the complaint involves alleged discriminatory or harassing behavior by the Vice President, Human Resources, the Vice President, of Student Services, or the Vice President of Academic Affairs should be contacted in lieu of the Vice President, Human Resources wherever referenced in the following procedures.

Complaint Process

Employees who believe they have experienced or witnessed any type of discrimination or harassment should notify, verbally or in writing, their immediate supervisor, instructor, advisor or counselor as soon as possible following the date of occurrence of the event giving rise to the complaint.

The staff member contacted will report the incident to the Vice President, Human Resources immediately for purposes of documentation and advice regarding the next steps with the complaint process. If the complainant does not feel comfortable with going to any of the staff members listed above they may file a complaint directly with the Vice President, Human Resources. Discrimination complaints about the Vice President of Human Resources should be directed to the Vice President of Academic Affairs.

Once the Vice President, Human Resources is notified an investigation will commence. Kirkwood's policy is to investigate all complaints thoroughly and promptly. To the fullest extent practical, Kirkwood will keep the complaint/investigation confidential. The investigation will be conducted per the following process:

EEO/AA Program

- The Vice President, Human Resources or a designated representative will meet with the person who filed the complaint to obtain a formal statement as well as clarify any questions.
- The Vice President, Human Resources or designated representative will meet with the person against whom the complaint is made and provide them with the details of the complaint. At that time, the alleged perpetrator will have the opportunity to respond to the complaint.
- The Vice President, Human Resources or designated representative will interview individuals who may have witnessed the incident or been in the vicinity where the alleged behavior occurred.
- The Vice President, Human Resources or designated representative will provide a written summary/report to the complainant and alleged perpetrator within 15 business days following the completion of the investigation. The summary will include a thorough and documented review of the circumstances under which the alleged discrimination or harassment occurred.
- If the complainant or perpetrator is not satisfied with the resolution they will have ten calendar days to request in writing that the President of the College review and adjudicate the complaint. The President will review the complaint and respond within ten calendar days with their decision.

If an investigation confirms that a violation of the Discrimination and Harassment Policy has occurred, Kirkwood Community College will take corrective action with the offending employee, up to and including immediate termination of employment.

Retaliation against persons filing a complaint, or for assisting in the investigation following the filing of a complaint, is strictly prohibited.

Any employee who purposely and knowingly makes a false allegation of discrimination or harassment against another employee, student, applicant, or vendor will be subject to corrective action up to and including immediate termination of employment.

EEO/AA Program

All aggrieved persons are encouraged to process complaints of alleged discrimination or harassment through the internal procedures established for this purpose. However, the complainant may seek remedy at any time from the Cedar Rapids Human Rights Commission, the Iowa Civil Rights Commission, the Federal Equal Employment Opportunity Commission, or other appropriate agencies. The complaint must be filed within 180 days of the alleged discrimination. The complainant may withdraw the complaint at any time and resolution reached at any step of the process.

Definition of Sexual Harassment

Faculty, staff, and students at Kirkwood Community College have a right to be free from sexual harassment in the Kirkwood environment. Kirkwood does not condone actions and words that a reasonable person would regard as sexually harassing or coercive.

Definition

Sexual harassment encompasses any sexual attention, from either gender, that is unwanted, and is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission is made an express or implied term or condition of employment or status in a class, program, or activity;
- submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, promotion, or grading a course);
- the conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creates an intimidating, hostile, or offensive environment for work or learning, including harassment in the Kirkwood environment from an outside party, such as a vendor.

Sexual harassment may take many forms, for example:

- physical contact
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, or grades;
- direct propositions of a sexual nature;
- comments of a sexual nature;
- sexually explicit statements, questions, jokes, or anecdotes;
- unnecessary touching, patting, hugging, or brushing against a person's body;
- remarks of a sexual nature about a person's clothing, body, about sexual activity, or about previous sexual experience.

Students, faculty, and staff need to be concerned not only with the intent of their actions of this kind but also the effects; while sexual harassment involves repeated, unwanted sexual attention, persons involved in isolated or inadvertent incidents demonstrate an insensitivity toward others. Repeated occurrences will be considered intentional violations of the policy.

Definition General Harassment and Workplace Violence

Kirkwood Community College believes that all students, staff and visitors to the College are entitled to learn and work in a safe environment, free of fear for their personal safety and well-being. Therefore:

It is the policy of Kirkwood Community College that verbal harassment, threats of aggression, or acts of physical violence will not be tolerated.

Employees who have been the object of such a threat or act must immediately report the incident to their immediate supervisor or to the Vice President, Human Resources. Any supervisor who observes, overhears or receives a report of verbal harassment, threats of aggression or acts of physical violence, must immediately report same to the Vice President, Human Resources, or in his/her absence, to the Vice President of Academic Affairs or Vice President of Student Services.

Any harassment, threats, or acts of violence will be taken seriously. Upon receiving such a report, an immediate investigation will be undertaken. Reasonable steps will be taken to protect employees, students, visitors, and personal property from harm.

Any employee who is found to have harassed or threatened anyone at or from the workplace either in person or using telephones, fax machines, computers, or other communication devices, will be subject to disciplinary action up to and including termination.

If necessary, local law enforcement officials will be contacted to assist in handling a threat or act of violence.

Employment Activities

All Kirkwood personnel who recruit, interview, select, and make recommendations for employment, and employment actions such as training, promotion, performance appraisal, reassignment, disciplinary action, or discharge are required to adhere to the college's EEO/AA guidelines and policies of the Board of Trustees.

Recruitment

Kirkwood demonstrates its commitment to affirmative action by practicing recruitment techniques designed to encourage employment applications and student enrollment applications from under-represented groups and by providing equal opportunity for all members of the college community. Applicants will not be discouraged from entering non-traditional areas.

Selection and Placement

No employee, prospective employee, student, or prospective student shall be discriminated against in the selection or placement process because of sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, socioeconomic status, veteran status, genetic information, or physical or mental ability (except when a bona fide occupational qualification is proven to exist). Employment decisions are based solely upon the qualifications of the individual applicant. The college has an open admission policy for students.

Transfer, Promotion, Reassignment

Employment actions involving transfer, promotion, and reassignment are based upon employee qualifications and the needs of the college, and in adherence to the policies established by the Board of Trustees and the Cabinet.

Training and Development

Supervisory personnel will inform and encourage employees to seek additional educational experience related to job improvement or personal and professional growth. Career counseling is available to all employees and they are urged to participate in college sponsored training programs and other educational experiences.

Compensation, Benefits, and Working Conditions

Kirkwood complies with all relevant state and federal legislation concerning the administration of wage, salary, fringe benefits, working conditions, and other privileges associated with employment. Information regarding these conditions is continually compiled, updated, and reviewed and action taken to eliminate any inequities based upon an employee's sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, socioeconomic status, veteran status, genetic information, or physical or mental ability.

Disciplinary Action, Termination, and Retrenchment

In the event that disciplinary action, termination, or retrenchment become necessary, procedures for these actions do not differ on the basis of the employee's sex, race, age, creed, color, national origin, religion, marital status, sexual orientation, gender, gender identity, physical attributes, socioeconomic status, veteran status, genetic information, or physical or mental ability. Any such action or recommendation is reviewed by the Vice President, Human Resources. Alternatives to such action are explored and given consideration. Termination or disciplinary action is not used as punishment or harassment against any employee who has filed a complaint of discrimination against the college.

Consensual Relationships

The College's educational mission is promoted by professionalism in relationships. One of the manners in which professionalism is fostered is by an atmosphere of mutual trust and respect. Positive relationships between employees and students, peer employees, and between supervisors and their employees, enrich the College environment and are not discouraged. It is also natural that academic or employment-related interactions between some individuals may lead to personal friendships, which do not pose problems as long as they do not create a conflict of interest that could cloud academic or employment decisions. The policy on consensual relationships is in no way intended to discourage the development of constructive non-romantic, non-sexual relationships between individuals with whom there exists a power differential. However, romantic or sexual relationships are fundamentally different which raises serious concerns and are in violation of this policy.

A consensual romantic or sexual relationship between an employee and a student or subordinate employee may be exploitative in nature, leading to a conflict of interest for the person who is in the position of power, and can affect the environment for other students and/or employees or the manner in which they are treated. In keeping with this philosophy, employees of the College are not to develop relationships of a romantic or sexual nature with a student who is currently enrolled in his/her class or program, a student who is currently receiving guidance/coaching from him/her, or an employee he/she is currently supervising. Such a relationship automatically creates the appearance of a conflict of interest and will not be tolerated. In each situation involving the appearance of a conflict of interest created by an apparent consenting relationship, a determination about what measures are appropriate will be made on a case-by-case basis from the facts of the particular situation. Appropriate measures include disciplinary action up to, and including, termination.

Americans with Disabilities Act of 1990, as Amended in 2008

Policy Statement

Kirkwood Community College does not discriminate against qualified individuals with disabilities. The college provides reasonable accommodation(s), as required by law, to otherwise qualified applicants, employees, and students with disabilities in all work settings, education programs, activities, services, and practices, including application procedures, admissions, course selection, the awarding of degrees, discipline, and dismissal. Educational, employment, or promotion opportunities will not be denied to an employee or students because of the need to make reasonable accommodation(s) or modification(s) for the physical and mental impairment(s) of any such individual.

Disability Accommodations for Employees

Any employee of Kirkwood Community College who has a disability for which an accommodation is needed should follow these procedures.

The employee will contact the Vice President, Human Resources or designee, to schedule a meeting to review the employee's accommodation application. The employee will supply medical documentation of the disability along with any supporting materials to the Vice President, Human Resources or designee, who will evaluate the documentation to determine if a disability exists. If so, the implications and impact as it pertains to the job/position and the accommodation needs of the employee will be considered.

The Vice President, Human Resources or designee will function as the case manager for the employee to determine and implement a reasonable accommodation plan.

Affirmative Action

Utilization Study

The college has conducted an underutilization study per federal guidelines in order to consistently strive to achieve parity for protected groups under Title VII. On the next two pages are the data from the study and the hire record for Kirkwood during the past two years. The Vice President, Human Resources and the Cabinet recommend that the following areas be highlighted for recruitment efforts and protected class consideration during the next two years.

- Minority Professional Staff (Includes Faculty)
- Minority Office Staff
- Minority Service Staff
- Minority Technical Staff
- Female and Minority Administrative Staff

**Kirkwood Community College
Annual Utilization Report
July 21, 2020**

	Current Kirkwood Workforce as of 7/21/20					Number Available in Seven County Area			Utilization Goal		Underutilized? Yes/No	*Goals: Number of New Hires		
	Total	Female	Minority	% Female	% Minority	Total	Female	Minority	% Female	% Minority	Female	Minority	Female	Minority
Administrative (Cabinet Level)	10	3	0	30.0%	0.0%	42	16	8	38.1%	19.0%	Yes	Yes	1	2
Professional (Includes Professional Staff & Faculty)	574	300	31	52.3%	5.4%	2322	1224	462	52.7%	19.9%	Yes	Yes	3	83
Technical	2	1	0	50.0%	0.0%	237	74	57	31.2%	24.1%	Yes	Yes	0	0
Office Staff	101	87	12	86.1%	11.9%	1800	1343	445	74.6%	24.7%	No	Yes	--	13
Service Staff	115	46	21	40.0%	18.3%	1,435	437	432	30.5%	30.1%	No	Yes	--	14
TOTAL	802	437	64	54.5%	8.0%	5,836	3,094	1404	53.0%	24.1%	Yes	Yes		

Self identification of minority status is not required for applicants with IWD.
 Applicants with unknown minority status were recorded as non-minority.
 * Goals are not required when full utilization would mean less than a full person.

Source: Iowa Workforce Development Database Reports 8/22/16

New Hires July 1, 2018 - June 30, 2020

							% of Total				
	Total	Female	Male	Minority	Disabled	Aged	Female	Male	Minority	Disabled	Aged
Administrative	1	1	0	Male 0 Female 1	0	0	100.0%	0.0%	0.0%	0.0%	100.0%
Professional (Includes Professional Staff and Faculty)	77	46	31	Male 4 Female 6	0	14	59.7%	40.3%	13.0%	0.0%	18.2%
Technical	1	1	0	Male 0 Female 0	0	0	100.0%	0.0%	0.0%	0.0%	0.0%
Office Staff	23	18	5	Male 0 Female 4	0	1	78.3%	21.7%	17.4%	0.0%	4.3%
Service Staff	45	20	25	Male 1 Female 4	0	4	44.4%	55.6%	11.1%	0.0%	8.9%
Total	147	86	61		19	60	58.5%	41.5%	12.9%	0.0%	40.8%

Minority and disabled information is based on voluntary reporting by employees.

"Aged" is age 40 and over

As of 2006, disabled employees are only those who have filed for an accommodation through ADA.

Administrative now includes Cabinet members only.

Faculty includes Counselors & Librarians

Technical now includes Agricultural and computer repair employees only

Glossary

Equal Employment Opportunity/Affirmative Action Terms

Affirmative Action - The legal necessity to maintain a recruitment and employment program that will affect a change in staffing patterns; an attempt to eliminate employment discrimination based upon sex, race, age, creed, color, national origin, religion, or disability.

BFOQ (Bona Fide Occupational Qualification) - It may be lawful to make an employment decision based upon an otherwise prohibited criteria if that qualification (BFOQ) is reasonably necessary to the normal operation of that particular business.

Compliance - Adherence to applicable equal employment opportunity or affirmative action regulations, and establishing methods for carrying out their requirements.

Disability (Handicap) - (1) Having a physical or mental impairment that substantially limits one or more of major life activities (see definition below); (2) Having a record of such impairment; or (3) Being regarded as having such an impairment. Discrimination is present if employment is denied an individual based on existence of the handicap where the handicap is unrelated to the individual's ability to perform in that particular occupation.

Discrimination - Illegal treatment of a person or group of persons based upon their sex, race, age, creed, color, national origin, religion, or disability; also failure to remedy the effects of past discrimination.

Equal Employment Opportunity - The legal necessity to maintain programs to insure fair and equitable treatment of all employees and applicants regardless of sex, race, age, creed, color, national origin, religion, marital status, or disability.

Gender identity –Means a gender-related identity of a person, regardless of the person's assigned sex at birth.

Good Faith Efforts - Those actions required by affirmative action legislation and those an employer adopts voluntarily to achieve compliance.

Job Classification - One or group of jobs having similar content, wage, or salary, and career opportunities.

Major Life Activities - Self care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; and economic self-sufficiency.

Minority - Persons who have identified themselves as American Indian or Alaskan Native, Asian or Pacific Islander, Black, or Hispanic.

Promotion - Any personnel action resulting in movement to a position affording higher pay, greater rank, and/or providing greater skill or opportunity to attain such.

Protected Classes - Those individuals whose employment and educational rights are specially addressed in local, state, and federal legislation based upon their past history of discrimination as a group (i.e. women, minorities, the elderly, and disabled).

Reasonable Accommodation - Alterations, adjustments, or changes in the job, the workplace, and/or term or condition of employment which will enable an otherwise qualified disabled individual to perform a particular job successfully.

Reassignment (Transfer) - A lateral move from one position to another without an accompanying salary increase.

Recruitment - An effort to inform and encourage qualified employees and potential employees of job vacancies within the college; an effort to encourage students and potential students into educational programs.

Resolution - An agreement or informal conciliation between an employer and employee (or student) who has filed a complaint of discrimination against said employer.

Retaliation - Any adverse employment activity, educational activity or conduct which is directed at a complainant or witness as a reprisal for opposing any activity or conduct which is a violation of the college's Equal Employment/Affirmative Action policies, and/or federal and state Equal Employment and Equal Education law.

Retrenchment - A reduction in the number of employees because of changes in institutional purposes or economic conditions affecting the college, including the loss of specific program enrollment.

Sexual Orientation – Actual, history of, or perceived heterosexuality, homosexuality, or bisexuality. Sexual orientation does not include participation in acts which are prohibited by law.

Termination - Discontinuation of employment for cause.

Underrepresentation/Underutilization - Employment of members of a sex, race, age, disabled, or ethnic group in a job classification at a rate below their availability in the work force (numerical disparity).