

Equal Employment Opportunity/ Affirmative Action Program

**Kirkwood Community College
Cedar Rapids**

May 2009

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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, or disability.

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, or disability.

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 declares and affirms to its students, employees, and to the public that it does not discriminate on the basis of sex, race, color, creed, religion, national origin, age, disability, sexual orientation, gender identity, or marital status in its educational programs, activities, admission procedures, or employment practices. The college affirms its commitment to comply with all applicable federal and state laws, regulations, and orders.

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

Administration of the Program

The President, Director, Human Resources, EEO/AA Officer, 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, color, creed, national origin, religion, sexual orientation, gender identity, marital status, or disability. 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 EEO/AA Officer informed of any complaints or incidents of a discriminatory nature of which they become aware.

Responsibility of the Director, Human Resources

The Director, 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 Director, Human Resources, maintains a system which monitors all recruitment, selection, and placement procedures to insure that non-discriminatory practices are being exercised. The Director gives fair and impartial consideration to all requests and recommendations for employment actions to be processed through that office.

Responsibility of the EEO/AA Officer

The EEO/AA Officer is responsible for the review, continued development, and coordination of the EEO/AA Program. The EEO/AA Officer provides assistance to administrative and supervisory personnel in the continuous effort to afford equal opportunity to all segments of the college community. The EEO/AA Officer assists in the identification of problem areas and monitors steps to alleviate inequitable conditions and situations as they might arise. The EEO/AA Officer 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. The EEO/AA Officer is involved in recruitment, selection, and other personnel activities in insure the equitable treatment of all applicants and employees.

Responsibilities of the EEO/AA Advisory Committee

The EEO/AA Advisory Committee may be composed of members representing all divisions and job classifications within the college. It will represent as many “underutilized” or “protected class” employees as possible. Members will be appointed by the President and will serve staggered two-year terms. The Committee will meet bi-annually or more frequently as need dictates. Responsibilities of the Committee will include:

1. Periodic review of the college EEO/AA Plan and recommendations, additions, and/or revisions.
2. Alert the EEO/AA Officer of conditions or situations of concern.
3. Assist in maintaining communication with local organizations representing special populations and “protected classes” for purposes of recruiting students and qualified job applicants.
4. Assist in maintaining interest in and commitment to the EEO/AA program, both within the college and in the larger community.

**Kirkwood Community College
Current Workforce Data
(As of March 1, 2009)**

	Male 2009	Male 2006	Female 2009	Female 2006
Administrative	38	35	32	29
Professional Support	46	42	111	91
Faculty (including Counselors & Librarians)	152	148	132	133
Technical	33	27	21	23
Office Staff	8	8	130	118
Service Staff	48	51	21	14
Total	325	311	447	408

Protected Class					
Minority 2009	Minority 2006	Disabled 2009	Disabled 2006	Aged* 2009	Aged* 2006
2	1			59	55
3	5			98	92
11	11			232	212
2	2			37	34
6	6			107	102
2	1			56	53
26	26	19	10	589	548

- "Aged" is age 40 and over
- As of 2006, disabled employees are only those who have filed with Kirkwood for an accommodation through ADA. For confidentiality reasons, only a total number of disabled will be reported rather than by category.
- Minority and disabled information is based on voluntary reporting by employees.

Program Goals and Activities

1. Provide updated EEO/AA information to supervisory and administrative personnel.
ACTION: Provide appropriate in-services through Staff Development program.
2. Provide EEO/AA information to students through the curriculum and activities.
ACTION: The EEO/AA information will be included in the Student Handbook, through presentations to classes, and in the college catalog. Also, seminars and activities will be planned each year which focus on awareness and information about diversity.
3. Monitor the college's contracts to assure that positive proactive statements of non-discrimination are included in the bidding process and in soliciting minority business.
ACTION: EEO/AA Officer and Human Resources staff will maintain ongoing records of contract agreements.
4. Monitor all the college's educational contracts (internships, clinicals, economic development, continuing education) for a proactive statement of the college's equal access policy.
ACTION: Instruction will maintain ongoing records of instructional contract agreements.
5. Review the Student Handbook and revise the present EEO/Sexual Harassment statements to give greater clarity of definition and the college procedures.
ACTION: The Equity Steering Committee, through Student Development, will review and update the student procedures and information yearly.
6. Review the employee handbook and revise as stated above.
ACTION: The Director, Human Resources and staff will review and update the statements periodically.
7. Review discrimination/sexual harassment policies and procedures with new employees.
ACTION: The orientation process for new employees includes a review of the employee handbook by the Human Resources personnel.
8. Perform all recordkeeping functions such as EEO-6, job applicant data, and current work force data.
ACTION: The EEO/AA Officer and Human Resources staff will continue to maintain appropriate data for program and Affirmative Action monitoring.
9. Provide EEO/AA information to college search committees.
ACTION: A representative from Human Resources or the EEO/AA Officer will offer to attend organizational search committee meetings to review EEO issues and answer questions on appropriate procedures.

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, sexual orientation, gender identity, marital status, or disability 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 EEO/AA Officer, the Vice-President, Instruction, should be contacted in lieu of the EEO/AA Officer wherever referenced in the following procedures.

Informal Inquiry

Individuals are encouraged to make informal inquiry to their immediate supervisor, instructor, advisor, or counselor, as soon as possible following the date of occurrence of the event giving rise to the complaint communication. The staff member contacted will report the incident to the EEO/AA Officer for purposes of documentation and advice regarding the necessary steps of the complaint process. Every effort should be made to resolve the conflict at this time. If this is not possible, the individual will be referred to the EEO/AA Officer.

Formal Complaint Process

The EEO/AA Officer should be contacted immediately following the event giving rise to an alleged discrimination or harassment complaint or at the time the complainant becomes aware of such an event or situation. If a resolution has not been reached or is not possible through the informal process the following steps may be taken.

Step One

Kirkwood requires that aggrieved persons who believe they have been the subject of sexual harassment or discriminated against because of sex, race, age, creed, color, national origin, religion, sexual orientation, gender identity, marital status, or disability submit a written complaint to the EEO/AA Officer within thirty (30) calendar days of the occurrence of the event or situation. The written complaint should contain the date of the occurrence, location, party or parties involved, names of witnesses, the facts and/or rationale of the complaint, and the category (age, sex, disability, etc.).

Step Two

The EEO/AA Officer will conduct an investigation based upon the complaint. The investigation will be conducted per the following process:

- a. Meet with the person against whom the complaint is made and provide them with complete information of the complaint. The alleged perpetrator will have the opportunity to respond to the complaint at that time, or may respond within the next five days.
- b. After the response has been made, the EEO/AA Officer will conduct the investigation through interviews with others who may have witnessed the incident or been in the vicinity where the alleged behavior occurred.
- c. The EEO/AA Officer will provide a written summary/report to the complainant and alleged perpetrator within thirty (30) calendar days of receipt of the complaint. The summary will include a thorough and documented review of the circumstances under which the alleged discrimination or harassment occurred.

EEO/AA Program

Step Three

The EEO/AA Officer will make recommendations for resolution of the complaint. If a satisfactory resolution can be arrived at, the terms of the resolution will be documented in writing and made part of the complaint file. In the event the complaint is found to be valid and involves an individual's behavior, that person will receive appropriate counseling or disciplinary action. Ultimate dismissal is included in the disciplinary actions which may occur.

Step Four

If a satisfactory resolution has not been arrived at, the complainant will have ten (10) calendar days to request, in writing, that the President review and adjudicate the complaint. The President will review the complaint and within (10) calendar days take appropriate action to resolve the matter.

Step Five

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 assault;
- 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.

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 Director of Human Resources. In most instances, a signed statement will be required. 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 Director of Human Resources, or in his/her absence, to the Dean of Students or Vice President of Administration.

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, sexual orientation, gender identity, religion, marital status, or disability (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. External and internal position openings are publicized throughout the college and all qualified employees are given the opportunity to make application for them.

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, sexual orientation, gender identity, marital status, or disability.

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, sexual orientation, gender identity, marital status, or disability. Any such action or recommendation is reviewed by the Director, Human Resources and the EEO/AA Officer. 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 educational mission of the college is promoted by professionalism, which is fostered by an atmosphere of mutual trust and respect. These are diminished when persons in positions of authority abuse or appear to abuse their authority, as in the case of amorous relationships between faculty and students.

Kirkwood will view it as unethical if faculty members or administrators engage in amorous relationships with students enrolled in their classes or staff who are subject to their supervision. The same is true even when the relationship appears to be consensual (i.e. both parties have consented) because the voluntary consent of the student or staff member is in doubt given the power imbalance in the relationship. When aware of such a situation, Kirkwood will attempt to reassign students to classes that remove them from the power situation or reassign a staff member to another department.

Americans with Disabilities Act of 1990

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 can meet with the Director of Human Resources, or self refer directly to the Dean of Learning Services, who is responsible for ADA accommodations for students and staff. The employee and Dean of Learning Services will meet and the employee will complete an application for accommodation. The employee will supply documentation of the disability to the Dean of Learning Services 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 Dean of Learning Services will function as the case manager for the employee to determine an accommodation plan and work with the employee and the college to implement a reasonable accommodation plan.

Appeals can be directed to the ADA Case Management Committee, chaired by the Dean of Learning Services.

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 EEO Officer and the EEO Advisory Committee recommend that the following areas be highlighted for recruitment efforts and protected class consideration during the next two years.

- Minority Faculty and Staff
- Female Service Staff

**Kirkwood Community College
Annual Utilization Report
As of March 1, 2009**

	Current Kirkwood Workforce as of 3/1/09			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	70	32	1	45.7%	1.4%	236	127	25	53.8%	10.6%	Yes	Yes	6	6
Professional (includes faculty)	441	243	16	55.1%	3.6%	572	291	53	50.9%	9.3%	No	Yes	---	25
Technical	54	21	2	38.9%	3.7%	140	69	16	49.3%	11.4%	Yes	Yes	6	4
Office Staff	138	130	6	94.2%	4.3%	883	701	89	79.4%	10.1%	No	Yes	---	8
Service Staff	69	21	1	30.4%	1.4%	801	515	143	64.3%	17.9%	Yes	Yes	23	11
TOTAL	772	447	26	57.9%	3.4%	2,632	1,703	326	64.7%	12.4%	Yes	Yes		

* Goals are not required when full utilization would mean less than a full person.

Source: Iowa Affirmative Action Data 2008 from the Iowa Workforce Development website

**Kirkwood Community College
New Hires
January 1, 2007 – March 1, 2009**

	Total	Female	Male	Minority	Aged	% of Total			
						Female	Male	Minority	Aged
Administrative	17	10	7	Male 1	11	58.8%	41.2%	5.9%	64.7%
Professional/Faculty	75	46	29	Female 2	33	61.3%	38.7%	2.7%	44.0%
Technical	7	1	6		0	14.3%	85.7%	0.0%	57.1%
Office Staff	38	35	3	Female 2	15	92.1%	7.9%	5.3%	39.5%
Service Staff	16	8	8	Female 1 Male 1	10	50.0%	50.0%	12.5%	62.5%
Total	153	100	53		7	65.4%	34.6%	4.6%	47.7%

- "Aged" is age 40 and over
- Minority and disabled information is based on voluntary reporting by employees.

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).