

# West Virginia Northern Community College

## Equal Opportunity and Affirmative Action

Rule Number:	NC-2013
Effective Date:	December 16, 2020
Date Approved by WVNCC Board of Governors:	February 27, 2020
Authority Reference:	Title VI of Civil Rights Act; Section 504 of the Rehabilitation Act; Title IX of the Education Amendment; Age Discrimination Act; Americans with Disabilities Act
Replaces previous rule dated:	NC-2013, June 24, 2004

### **Purpose:**

To comply with federal and state regulations prohibiting discrimination and harassment and to identify protected characteristics.

### **Rule:**

West Virginia Northern Community College (the College) provides equal employment opportunities to all qualified employees and applicants and prohibits discrimination and harassment against any such individuals on the basis of protected characteristics. In addition, the College prohibits discrimination against students on the basis of protected characteristics in educational programs and activities, including admissions to such.

The College considers ethnicity, marital status, race, color, religion, sex/gender, national origin, age (40 and over), disability, genetic information, sexual orientation, gender identity and veteran status as protected characteristics and will not permit discrimination or harassment against any employee, applicant or student on the basis of any such characteristic or any other characteristic protected under applicable federal, state or local law.

The scope of this rule prohibiting discrimination and harassment extends, but is not limited to, the following: recruitment, employment, promotion, transfer, training, working conditions, wage and salary administration, benefits, discipline, promotion, transfer, layoff, termination processes, and the application of all other employment-related policies. These principles of non-discrimination and anti-harassment also apply to educational programs and activities and the selection and treatment of independent contractors, personnel working on any College premises, and any other persons or firms doing business with the College.

The College will provide reasonable accommodations to applicants and employees who need them for medical or religious reasons, as required by law.

The College prohibits retaliating against a person who files a complaint of discrimination or harassment or participates in discrimination or harassment proceedings.

The College will conform both to the letter and the spirit of the law and regulations with respect to prohibiting any such discrimination or harassment and will engage in affirmative action to employ, advance in employment, and treat all qualified persons without discrimination in any employment practices.

## Reporting

Individuals wishing to report violations of this rule must be aware that College employees, depending on their roles, have varying reporting responsibilities and abilities to maintain the confidentiality of the individual making the report. Prior to reporting a violation of this rule to a particular employee, an individual should inquire as to whether that employee is bound by certain confidentiality and mandatory reporting requirements.

Any person who believes that the College stated rule of prohibited discrimination or harassment has been violated can seek redress through College procedures.

1. Any individual who has a complaint about a possible discrimination and/or equal opportunity or harassment, and believed to be out of compliance with the provisions of this rule, should contact the College Equal Employment Opportunity Counselor/Affirmative Action Officer (EEO Counselor/AA Officer) within 10 working days.
2. If the discrimination and/or equal opportunity or harassment complaint is against the EEO Counselor/AA Officer, the individual should contact the President.
3. The EEO Counselor/AA Officer or President shall make an investigation into the matter and should respond within 10 working days, if possible.
4. If the individual is dissatisfied with the response received, the individual may appeal the matter to the President, in writing, within 5 working days of the response.

## State Grievance Procedure

The College strives to provide dispute resolution at the lowest level possible. Nothing in this rule prevents an employee from filing a grievance through the State Employee Grievance procedure.

## Authority

The Director of Human Resources has been appointed by the President as the Equal Employment Opportunity Counselor/Affirmative Action Officer for the College.

## Sanctions

Sanctions may be imposed upon any person under the College jurisdiction who is found to have violated this rule.

Typical student sanctions that may be imposed singly or in combination include, but are not limited to the following:

- |                |               |                           |
|----------------|---------------|---------------------------|
| a. Admonition  | b. Warning    | c. Disciplinary Probation |
| d. Restitution | e. Suspension | f. Expulsion              |

Typical employee sanctions that may be imposed singly or in combination include, but are not limited to the following:

- |               |                              |                    |
|---------------|------------------------------|--------------------|
| a. Discussion | b. Verbal Warning            | c. Written Warning |
| d. Suspension | e. Termination of Employment |                    |