



Eastern Wyoming College

Affirmative Action (AA)

and

Equal Employment Opportunity (EEO) Program

July 3, 2018

**Affirmative Action and
Equal Employment Opportunity Program**

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I. Introduction

Eastern Wyoming College's (EWC) Affirmative Action (AA) and Equal Employment Opportunity (EEO) Program was prepared in compliance of the College's obligation under established federal and state laws and regulations. As a public community college, EWC has a legal commitment to AA and EEO for employees and students alike.

The Affirmative Action/Equal Employment Opportunity Program requires that AA and equal employment share importance with other College goals and be followed per established statutes, policies, and procedures.

II. Affirmative Action/Equal Employment Opportunity Policy Statement

Eastern Wyoming College is an equal opportunity employer. In accordance with anti-discrimination law, it is the purpose of this program and College policy to implement these principles and mandates. EWC conforms to the spirit as well as the letter of all applicable laws and regulations regarding this matter.

Per Board Policy 3.0, Eastern Wyoming College is dedicated to providing opportunities and recognizing the talent of all people within the institution. There is a commitment to a policy of equal employment opportunity for all persons on the basis of merit without regard to race, color, national origin, marital status, age, sexual orientation, sex (gender), religion, political belief, veteran status, or disability status.

In accordance with the Policy, EWC affirms its commitment to non-discrimination in its employment practices as they relate to: recruitment, screening, testing, selection, hiring and employment, compensation, promotion, employment benefits, training and educational opportunities, access to programs, work assignments, transfer, application of policies and discipline, access to grievance procedures, and any and all other conditions of employment which are provided by College policy, regulation, rule, or practice. These practices also apply to the selection and treatment of independent contractors (IC), personnel employed by other organizations working on College premises, and any other persons or entities doing business with or for EWC.

Per Administrative Rule 3.0.1, all administrators, faculty, professional staff, committees, and others involved in employment related decisions will comply with this policy. The Human Resources (HR) Director is responsible for administering and coordinating the College's EEO Program.

The HR Director's office location and contact information are:

Eastern Wyoming College
Attn: HR (Tebbet Bldg, Room T234)
3200 West C Street
Torrington, WY 82240
humanresources@ewc.wy.edu | (307) 532-8330

III. Program Responsibilities

A. President

As the Chief Executive Officer, the President has ultimate responsibility for development and implementation of an aggressive Affirmative Action/Equal Employment Opportunity Program. The President shall appoint an Affirmative Action Officer.

B. Director of Human Resources

The Director of Human Resources has operational responsibility for overseeing the development, monitoring, and administration of the Affirmative Action/Equal Opportunity Program. These tasks include, but are not limited to...

1. Oversee the development and analysis of the procedures required to implement the Affirmative Action/Equal Employment Opportunity Program.
2. Review the College Affirmative Action/Equal Employment Opportunity Program plan each year; ensure updates are made as required or necessary.
3. Design systems for use to monitor the application processes, hiring, transfers, and promotions. The HR Director will report on the AA/EEO Program to the President and, upon request, to the Board of Trustees.

C. Affirmative Action Officer (AAO) responsibilities include:

1. Complete other Affirmative Action related duties as assigned by the College President.
2. The AAO has the operational responsibility for monitoring the procedures and processes of recruiting, hiring, promotions, transfers, benefits, and terminations to determine compliance with the Affirmative Action/Equal Employment Opportunity Program.
3. Serve as the liaison with government agencies charged with enforcement responsibilities under state and federal law. The AAO will also establish relationships on behalf of the College with any known organization concerned about the rights and employment opportunities of minorities, women, Vietnam era, recently separated, qualified disabled, other protected veterans, and individuals who are disabled.
4. Disseminate the College's AA/EEO Program and, as time and priorities permit, conduct outreach activities with appropriate individuals and organizations.
5. Develop and implement staff development activities including information and training on AA/EEO matters.

6. Remain conversant with applicable laws and developments concerning AA/EEO and provide appropriate briefing and updates on such developments to College administrators.

D. Administrators

The EWC Administrators (i.e. President, Vice Presidents, Associate Vice Presidents, and Deans) have the authority, according to the functions of their assigned position, for employment decisions and concomitant responsibility for day-to-day implementation of the AA/EEO Program. Accordingly, the responsibilities of such persons shall include, but not be limited to, the following:

1. Administrators shall have responsibility for implementation of the Affirmative Action/Equal Employment Opportunity Program.
2. Administrators shall have the responsibility to disseminate and inform subordinates of the AA/EEO Program and Board Policy Statements. This is a shared responsibility with HR.
3. Administrators are expected to represent the College as part of their involvement in organizations concerned with the rights and employment opportunities of minorities, protected veterans, and individuals with a disability.
4. Evaluation and performance appraisal of administrators will include consideration of efforts and success in implementing the AA/EEO Program.

IV. Dissemination of AA/EEO Policy Statement

EWC will take all necessary steps to ensure its AA/EEO Policy Statement is disseminated and available to all employees. The HR Director has primary responsibility of accomplishing appropriate dissemination. Each administrator and supervisor is responsible for ensuring dissemination of the AA/EEO Policy Statement to the employees within their departments/divisions/work centers.

A. Internal Dissemination

1. Personnel Policies Manual. The AA/EEO Policy Statement is included therein.
2. College Publications. The HR Director will monitor College publications to ensure balance in the depiction of minorities, protected veterans, and individuals with a disability.
3. Employees.

Employee orientation will include a discussion of the AA/EEO Program and applicable Policy Statements. The identity, location, and telephone number of the HR Director will be included as part of employee orientation.

The staff development responsibilities of the HR Director will include the creation and/or use of materials and training programs concerning AA/EEO and the rights of minorities, protected veterans, and individuals with a disability.

4. Notices.

The College will maintain a current copy of the AA/EEO Program in the Office of the President, HR, the Information Center, and the College Library. An electronic copy will be posted and available on the College's HR webpage. Beyond these five locations, the AA/EEO Program and policy statement may be posted at other appropriate locations within the College.

B. External Dissemination

The College will inform recruiting sources of its AA/EEO program and communicate elements of the AA/EEO Policy Statement to prospective employees. The College will include AA/EEO clauses in all contracts and leases and give written notification to vendors and subcontractors. The HR webpage is an external dissemination method and as such the Policy Statement is available to the general public.

V. Implementation

A. Recruitment and Employment

Introduction

The EEO Commission has identified, defined, and grouped the nine major job categories to assist employers in correctly classifying its employees. At EWC there are four EEO Category (EEOC) groups of employees: faculty and non-teaching professional staff (EEOC 2 and 3); general and classified staff (EEOC 4, 5, 6 and 7); executive/administrator (EEOC 1); and temporary. The only employees who are not included in any of the four EEOCs are hourly rate students/Work Study students.

The AA/EEO Program will be applied to all positions regardless of EEOC; yet, out of necessity different hiring procedures, to include available options, apply to different types of employment positions at the College. The AA/EEO requirements for EWC's variety of employment positions are discussed within the descriptions of each EEOC group/type.

1. **Faculty and Non-teaching Professionals – (EEOC 2 and 3) & Executives/Administrators (EEOC 1)**

a. **Vacancy Announcements**

Prior to Vacancy Announcement release, the Hiring Manager/Supervisor, must secure the College President's approval to fill the position. This step is ordinarily completed by HR but not always. In either case, it is HR's responsibility to ensure approval has been granted before advertising a Vacancy Announcement. Vacancy Announcements for faculty/professional staff and executive/administrator positions are developed by established procedures (an HR led effort in cooperation with the position's chain-of-command) and are approved by the College President. The HR Director or their designee will review appointment, selection, and hiring policies. The review will include any necessary updates to the position's Job Description and the listed physical/mental qualifications to ensure they are job related. The HR Director will also ensure the job's minimum qualifications are consistent with the approved general classification entry qualifications so protected class individuals may have the opportunity to meet those minimums.

b. **Recruitment**

Members of the position's work unit/department and the Selection Committee will be encouraged to notify protected class individuals of open positions. College employees will be informed of the vacancy, typically by message announcement from HR.

The HR Director or their designee will post Vacancy Announcements. Internal distribution will always coincide with external advertising/posting; however, the inverse is not true. External advertising may or may not coincide with internal distribution.

Distribution of Vacancy Announcements may include, but are not limited to: 1) EWC's website and social media pages; 2) advertisements in appropriate national or regional newspapers with local and state-wide circulation; 3) State of Wyoming Workforce Services Offices and its online job board(s), and 4) professional associations and/or other educational institutions. These options and others may be utilized when appropriate and within budget resources to solicit qualified minorities, protected veterans, and individuals with a disability or other qualified applicants.

c. Screening and Selection

All applicants shall comply with EWC's application process in order to be considered for employment. Applicants whose submitted materials do not meet requirements will not be reviewed and considered by Selection Committees. The HR Director, or their designee, will screen applicants against the position's quantitative qualification criteria. Upon completion, qualified, or the most qualified, applicants will be sent to the Selection Committee.

The HR Director will identify and form a Selection Committee comprised of a minimum of three persons; normal Selection Committee size is five persons. In unique situations, Selection Committees may increase to an odd-numbered size beyond five. In addition to the position's direct Supervisor and the indirect/second-level Supervisor, an effort will be made to include representatives from each of the College's three largest employee groups (faculty, professional, and classified) on the Committee. An effort will also be made to include minorities and women on each Selection Committee. Finally, effort will be made to include protected veterans, and individuals with a disability on Committees when possible. The HR Director may choose to use substitute individuals to serve on Selection Committees when employees from a particular group are unavailable or when the committee's size exceeds five members. Substitute individuals may or may not be College employees. Use of a non-employee must somehow be professionally relevant to, and/or possess expertise regarding, the position being filled.

At the Selection Committee's first meeting the HR Director, or their designee, will provide information and direction to the Committee members which will include, but not be limited to, the elements listed below. The first meeting and this information may be conducted/provided electronically.

1. The College's commitment to AA/EEO.
2. A statement about intended utilization of the position being filled if not in accordance with the approved Job Description.
3. Consistency in reviewing, scoring, interviewing, and selecting the candidates to recommend for employment.
4. The requirement for transparency, honesty, equitability, consistency, and confidentiality of the selection process and committee deliberations.
5. The required documentation necessary to monitor the selection process.

d. Monitoring Applicants

As part of the selection process, the HR Director shall review the applicant pool and, if appropriate, conduct special recruiting efforts to bring qualified minorities and/or females into the applicant pool. This may be accomplished in consultation with the Selection Committee. If qualified minorities and women have been eliminated, the credentials of those individuals will be referred back to the Selection Committee for review to ensure the Committee's full consideration of those protected category applicants in the screening process.

2. Classified Staff (EEOC 4, 5, 6 and 7)

a. Vacancy Announcements

Prior to Vacancy Announcement release, the position's Supervisor/Hiring Manager must secure the College President's approval to fill the position. This step is ordinarily completed by HR but not always. In either case, it is HR's responsibility to ensure approval has been granted before advertising a Vacancy Announcement. Vacancy Announcements for classified staff positions are developed by the HR Director with the assistance of the supervisor and their chain-of-command up to the vice president level. The HR Director or their designee will review Vacancy Announcement content to insure accuracy and compliance with EWC policies. The review will include the physical/mental job qualifications to ensure they are job related and consistent with business necessity and the safe performance of the job. The HR Director will ensure the job's minimum qualifications are consistent with approved general classification entry qualifications so protected class individuals will have an opportunity to meet those minimums.

b. Recruitment

Vacancy Announcements will be posted by the HR Director. The Selection Committee will be encouraged to inform protected class individuals of the vacancy. College employees will be notified of the vacancy by email announcement from HR. Internal

distribution will always coincide with external advertising/posting; however, external advertising may or may not coincide with internal distribution.

Distribution of Vacancy Announcements may include, but are not limited to: 1) EWC's website and social media pages; 2) advertisements in newspapers with local and regional circulation; 3) State of Wyoming Workforce Services Offices and its online job board(s), 4) professional associations and/or other educational institutions; and 5) local community organizations/agencies when appropriate and within budget resources.

c. Screening and Selection

All applicants shall complete the EWC "Application for Employment" Form in order to be considered for employment. The appropriate version of this Form, depending on the position's assigned duties and work center, must be used.

The HR Director may establish a Selection Committee comprised of a minimum of three persons who will review, score, and rank applicants and interview candidates. Normal committee size is five members. An effort shall be made to include minorities and women on the Selection Committee. Efforts shall also be made to include protected veterans and individuals with a disability on Selection Committees when possible. The HR Director may choose to use substitute individuals to serve on Selection Committees when employees from a particular group are unavailable. Substitute individuals should be College employees. Use of a non-employee must possess significant relevance and expertise regarding the vacancy.

At the Selection Committee's first meeting the HR Director, or their designee, will provide information and direction to the Committee members which will include, but not be limited to, the elements listed below. The first meeting and this information may be conducted/provided electronically.

1. The College's commitment to AA/EEO.
2. A statement about intended utilization of the position being filled if not in accordance with the approved Job Description.
3. Consistency in reviewing, scoring, interviewing, and selecting those candidates to recommend for employment.
4. The requirement for transparency, honesty, equitability, consistency, and confidentiality of the selection process and committee deliberations.
5. The required documentation necessary to monitor the selection process.

d. Monitoring Applicants

As part of the selection process, the HR Director shall review the applicant pool and, if appropriate, conduct special recruiting efforts to bring qualified minorities and/or

females into the applicant pool. This may be accomplished in consultation with the Selection Committee. If qualified minorities and women have been eliminated, the credentials of those individuals will be referred back to the Selection Committee for review to ensure the Committee's full consideration of those protected category applicants in the screening process.

3. Non-Benefitted Part-time (19 hours per week or less)

a. Vacancy Announcements

No Vacancy Announcements are required. Vacancy Announcements (VA) may be used if desired. If so, HR is responsible for ensuring the announcement meets EWC policies. Internal distribution of these vacancies is intended to coincide with external advertising. If an advertising/VA is used, applications will be sent to, compiled, and processed by HR before they are sent to the Hiring Manager/Supervisor.

b. Recruitment, Screening, and Selection

The appropriate administrator or the position's supervisor will work with HR to ensure that whenever possible AA/EEO guidelines are followed to recruit non-benefitted part-time employees. Recruitment and advertising are not always required or utilized. The Hiring Manager/Supervisor may choose to establish and use their own review and ranking process to identify and select applicants for interviews. Candidate interviews may be conducted in-person, telephonically, or electronically and with or without HR's presence or assistance. Selection and employment practices for part-time positions must still adhere to the College's AA/EEO Program requirements. Regardless of the recruitment, screening, and selection methods utilized by the supervisor/hiring manger, federal and state AA/EEO statutes pertaining to non-benefitted positions (< 20 hours per week) must be followed.

4. Disabled Persons and Vietnam Era Veterans

EWC will invite all job applicants and employees to identify themselves as disabled persons, protected veterans, and veterans of the Vietnam era who wish to benefit under the AA/EEO Program. This invitation specifically states that this information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to adverse treatment, and that the information will only be used in connection with the AA/EEO Program.

The College reaffirms its commitment to make reasonable accommodations to physical and mental limitations of its employees.

B. Promotion and Transfer

Promotion and transfer opportunities may be available to all qualified employees. The decision to promote or transfer rests with the supervisor and their chain-of-command. The interests of the College will take precedence and override any employee personal preferences. The HR Director will ensure the vacant position's minimum qualifications are consistent with the approved general classification descriptions and any employees selected for promotion or transfer meet the qualification criteria of the vacancy/new position.

Promotion and transfer opportunities do not require a Vacancy Announcement. Employees who accept a promotion or transfer must provide HR an updated resume or "Application for Employment" Form. Official transcripts of any earned academic credentials since their date-of-hire and as required by the position must also be provided.

Employees may only be transferred or re-assigned upon recommendation by the vacant position's formal supervisor, endorsement by the department administrator, and with approval of the College President. Employees identified for promotion or transfer must receive written notification of the offer; they must accept or decline the positional change in writing. EWC cannot force employees to accept a promotion or transfer. Transfers, promotions, and reclassifications will be free of any discrimination. Employees transferred within the same DBM level/grade will not incur a salary reduction.

C. Compensation and Benefits

1. Compensation

The compensation structure and criteria used at EWC will be stated in writing and will be used to determine employees' wages and salaries for all positions.

Salary ranges quoted to applicants, candidates, and employees will be the same regardless of protected class status. Compensation to the disabled or protected veterans and veterans of the Vietnam era will not be reduced because of disability income, pension, or other benefits.

Salaries will be reviewed annually by the HR Director for disparate effect.

2. Benefits and Leave Policies

The College will not discriminate against protected classes of individuals in its benefits program. The benefits program will be reviewed both in terms of criteria for participation and application to protected classes. No benefits program will be based on the employee as "head of household" or "principle wage earner". The same medical

benefits will be made available to women and their spouses as those made available to male employees and their spouses.

The HR Director will periodically review the benefits program for possible discriminatory effect on women with respect to pregnancy, maternity, or abortion.

3. **Education and Training**

All education and training programs offered to employees will be made available on an equal access basis.

The HR Director will review any educational benefits and/or training opportunities offered by EWC to ensure these programs conform to the College's AA/EEO obligations.

D. Facilities, Activities, and Working Conditions

All facilities and College-sponsored social and recreational activities shall be desegregated. All such activities will be made available to all employees. Appropriate physical facilities (e.g. toilets, shower room, locker rooms) are to be made available for all employees.

The College is committed to making reasonable accommodations to physical and mental limitations of employees and prospective employees unless such accommodation imposes an undue hardship as defined by law.

E. Dismissals, Non-Renewals, Reductions in Force, and Reassignments

EWC policies specify the rights and procedures regarding dismissals, non-renewals, reductions in force, and reassignments. These policies and their associated rules apply to all employees. The policies specify the grounds for taking personnel actions against employees and state the grievance, appeal rights, and other procedures associated with such actions.

F. Appeals and Grievances

EWC has adopted a policy governing grievances. This grievance policy and its associated procedures and rules applies to all employees.

G. Contracts and Purchasing

All purchase orders, contracts, and leases shall contain clauses concerning AA/EEO as required by law. Contracts and leases are subject to fiscal rules of the State of Wyoming and are reviewed for compliance with such rules.

VI. Sex Equity

The College's policy is that there will not be discrimination against employees on the basis of sexual orientation or gender. Further, the College will also not make any distinction based upon one's gender in employment opportunities, wages, hours, or other conditions of employment.

A. Selection Process

The College will conduct the selection process in a manner which ensures an equal opportunity for both sexes to any available job unless sex is a bona fide occupational qualification and is included in the approved Job Description.

B. Job Policies and Practices

The College's written Personnel Policies expressly state there shall be no discrimination against employees on the basis of sex. An employee of either sex shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupational qualification. The College will not deny employment to women with young children, pregnant women, or deny a female employee the right to any job she is qualified to perform. The College will not make any distinction between married or unmarried persons. Policies and practices of the College insure that appropriate physical facilities are available for both sexes.

C. Wages, Benefits, and Retirement

The College's compensation program is not related to or based upon the sex of the employee. The College does not discriminatorily restrict one sex to certain job classifications.

The College's benefits programs are administered without regard to sex. There is no difference in mandatory or optional retirement age upon the basis of sex. College contributions to insurance programs, pensions, and other welfare programs are the same for similarly situated employees of both sexes.

Women are not penalized in their conditions of employment because they require time away from work on account of childbearing. A woman returning from Parental/Maternity Leave is reinstated to her original position or one of like status and pay. Pregnancy, child birth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions.

D. Sexual Harassment

The College recognizes sexual harassment as a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments Act of 1972 which prohibits sex discrimination in educational programs or activities.

The College will not tolerate or condone any behavior on the part of College personnel which could reasonably be interpreted as falling under the EEO Commission's guidelines defining sexual harassment. The EEO Commission defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Sexual harassment can include offensive remarks about a person's sex. Both victim and harassers can be either a woman or a man and can be the same sex/gender. Although the law doesn't prohibit simple teasing, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision.

Examples of a sexually-related nature which constitute sexual harassment are:

1. Conduct, to include comments, made either explicitly or implicitly as a term or condition of an individual's employment.
2. Submission or rejection to conduct or comments, by an individual, which are used as the basis for employment decisions affecting said individual.
3. Conduct which has the effect of substantial interference with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Should there be a violation of these guidelines, the current grievance procedures in place for College employees will be implemented for resolution thereof. Emphasis will be placed on informal resolution.

Should it be necessary to implement the formal process, resolution will be sought through this means. Anyone pursuing this concern will be entitled to and afforded confidentiality, quick action, and protection of rights. Protection will be provided for both the person bringing the sexual harassment complaint and the person against whom the complaint is directed.

Individuals who think they have been subjected to sexual harassment and need further information regarding the complaint or resolution procedures may contact the HR Director.

VII. Other Compliance Commitments

EWC is obligated to comply with several other federal laws and regulations related to EEO. Prominent among these are the following:

1. The Civil Rights Act of 1964, Title VII, which prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.
2. 1978 Amendments to the Civil Rights Act of 1964, which bans pregnancy discrimination.
3. Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex.
4. The Equal Pay Act of 1963, which prohibits discrimination based on sex in the payment of employee wages.
5. The Age Discrimination in Employment Act of 1967 and subsequent amendments in 1978, which prohibit discrimination because of age between the ages of 40 and 70.

To indicate its compliance with these laws and regulations, EWC has adopted the following Non-Discrimination Statement, which appears on page 7 in the College Catalog.

Eastern Wyoming College does not discriminate on the basis of race, color, national origin, marital status, sexual orientation, gender, religion, political belief, veteran status, age, or disability in admission or access to, or treatment, or participation in or employment in its educational programs or activities. Inquiries concerning Title II, Title VI, Title VII, and Section 504, may be directed to Mr Edward Meyer, Director of Human Resources, 307.532.8330. Inquiries concerning Title IX may be directed to Dr Rex Cogdill, Vice President for Student Services, 307.532.8257. Both may be reached at Eastern Wyoming College, 3200 West C Street, Torrington, WY 82240. Alternatively you may contact the Wyoming Department of Education, Office for Civil Rights Coordinator, 2300 Capitol Avenue, 2nd Floor, Cheyenne, WY 82002-0050 or 307.777.7675.

Additionally, all position Vacancy Announcements include the statement “EWC is an Affirmative Action, Equal Opportunity, and E-Verify Employer”. AA/EEO Program information is posted online and is available at several locations on campus to advise individuals of their rights under these laws.

VIII. Policy Statement – Religion and National Origin

EWC provides equitable treatment to all applicants and employees without regard to their national origin or religious convictions or observances. This applies to all employment relationships including recruitment, testing, screening, selection, supervision, training, promotion, reassignment, transfer, termination, layoff, placement, rate of compensation, grievance, disciplinary action, leaves, and all other conditions, terms, and privileges of employment. It has been determined that neither national origin nor religion is a negative factor in any of the above mentioned employment activities. Further, EWC will implement all reasonable attempts to accommodate employees whose work schedules may interfere with their religious practices so long as these accommodations do not violate the rights of other employees. EWC reserves the right to consider business necessity, financial cost, and resulting personnel problems when attempting to make reasonable accommodations.