



EQUAL OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PLAN

BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE
MARTINSBURG, WV

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PREFACE

The Affirmative Action Plan of the BRCTC is designed to assure that no person will be discriminated against in any personnel action or service provided based on race, religion, national origin, gender, veteran's status, age, or disability. This policy covers but is not limited to personnel action such as recruitment, selection, promotion, benefits, and training. Any employee of Blue Ridge CTC who discriminates against or harasses a person related to the criteria listed above shall be subject to appropriate disciplinary action.

The plan's ultimate goal is to create desired changes in the representation and status of qualified minorities, females, and disabled persons in the institution. In addition, the plan is designed to incorporate an equal opportunity/affirmative action mechanism into the operational structure of Blue Ridge CTC.

PART I

SUMMARIES OF APPLICABLE NONDISCRIMINATION LAWS, GUIDELINES AND EXECUTIVE ORDERS

PART I

SUMMARIES OF APPLICABLE NONDISCRIMINATION LAWS, GUIDELINES AND EXECUTIVE ORDERS

In combating discrimination and the potential continuing effects of past discrimination, one of the first steps is to understand the equal opportunity laws and regulations that protect citizens. Cited below are summaries of major laws, guidelines, and executive orders on which the policies of the Blue Ridge CTC Affirmative Action Plan are based.

EMPLOYMENT

THE WEST VIRGINIA HUMAN RIGHTS ACT OF 1967 AS AMENDED- It is the public policy of the State of West Virginia to provide all of its citizens equal opportunity for employment, and equal access to places of public accommodations without regard to race, religion, color, national origin, ancestry, sex, sexual preference, age, blindness, handicap or familial status. Non-discrimination also extends to conditions of hiring, tenure, compensation, training, et cetera. The Commission address is:

Executive Director
West Virginia Human Rights Commission
1321 Plaza East
Charleston, WV 25311

TITLE VII OF CIVIL RIGHTS ACT OF 1964- as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination in employment (including the hiring, upgrading, salaries, fringe benefits, training and all other conditions of employment) on the basis of race, color, religion, national origin, or sex. It is administered by:

Equal Employment Opportunity
1801 L Street, NW
Washington, DC 20507

EXECUTIVE ORDER 11246ⁱ- as amended by Executive Order 11375 in 1967 prohibits discrimination in employment (including the hiring, upgrading, salaries, fringe benefits, training and other conditions of employment) on the basis of race, color, religion, national origin or sex by institutions with federal contracts over \$10,000.

Executive Order 11246 embodies two concepts: nondiscrimination and affirmative action.

NONDISCRIMINATION requires the elimination of all existing discriminatory conditions, whether purposeful or inadvertent. A contractor (College) must carefully and systematically

examine all of its employment policies to be sure they do not, if implemented as stated, operate to the detriment of any person on grounds of race, color, religion, sex, sexual preference/orientation, or national origin. A contractor also must ensure that the practices of those responsible in matters of employment, including all supervisors, are nondiscriminatory.

AFFIRMATIVE ACTION requires that a contractor do more than ensure employment neutrality with regard to race, color, religion, sex, sexual preference/orientation and national origin. As the phrase implies, affirmative action requires the employer to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer. The premise of the affirmative action concept of the Executive Order is that unless positive action is undertaken to overcome the effects of systemic institutional forms of exclusion and discrimination, a benign neutrality in employment practices will tend to perpetuate the status quo ante indefinitely.

Guidelines on discrimination, because of national origin, implementing the requirement of Executive Order 11246, effective February 20, 1973, requires that positive action be taken to ensure equal employment opportunities for members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry such as Italians, Greeks, Slavs, Jews, and Catholics. The guidelines are administered by the:

Director
Office of Federal Contract Compliance Programs
US Department of Labor
Washington, DC 20210

EQUAL PAY ACT OF 1963- as amended by Education Amendment of 1972 (Higher Education Act) prohibits discrimination in salaries (including almost all fringe benefits) on the basis of sex. It is administered by the:

Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507

Employees performing essentially equal work receive equal pay and other compensation. Salaries do not differ because of any difference in race, color, age, religion, sex, sexual preference/orientation, or national religion, disability, blindness, or familial status.

PUBLIC LAW 93-516- as amended and otherwise known as the Rehabilitation Act of 1973: The College, as a government contractor, agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based upon their mental or physical impairment(s) in all employment practices, such as the following:

employment, upgrading, demotion and transfer, recruitment and advertising, layoff or termination, rates of pay and other forms of compensation, and selection for training including outreach and position recruitment programs.

The regulations define the term 'disabled individuals' as any person who:

1. Has a physical or mental impairment(s) which substantially limits one or more of such person's major life activities (life activities may be considered to include communication, ambulation, self-care, socialization, education, vocational training, employment, transportation, adapting to housing; however, under the Act, primary attention is given to those life activities that affect employability);
2. Has a record of such impairment(s) meaning that an individual may be completely recovered from a previous physical or mental impairment(s); or
3. Is regarded as having such impairment(s) (referring to those individuals who are perceived as having a disability, whether an impairment(s) exist or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers or supervisors who have an effect on the individual securing, retaining or advancing in employment).

Based on the definition herein, the disabled applicant, as with all applicants, must possess sufficient work capacity to match the job duties and requirements consistent with his or her interests, capabilities, and limitations.

This Act is administered by:

Director
Office of Federal Contract Compliance Programs
Department of Labor
Washington, DC 20210

ACCOMMODATIONS OF SPECIAL RELIGIOUS HOLIDAYS- Recognizing that some employees may observe religious holidays not included on the list of BRCTC recognized holidays, the College, in accordance with legal guidelines, will consider such needs by granting reasonable time off to employees as long as it does not cause undue operational problems and hardships within the division unit. Time off granted to administrators and classified employees for the observance of special days shall be charged to annual leave or to accumulated compensatory time off credits.

THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA) makes it illegal for employers to discriminate against any person on the basis of their age exceeding 40 years.

Administration of the Act originally was the responsibility of the Wage and Hour Division of the Department of Labor, but in July 1979, this responsibility transferred to the EEOC.

EMPLOYMENT/ACCESS TO PROGRAMS

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964- Prohibits discrimination on the grounds of race, color, or national origin by education programs receiving federal funds. This legislation provides coverage for students and others and relates directly to the availability of activities, services and curriculum to all persons affiliated or seeking affiliation with BRCTC.

It is administered by the:

Office of Civil Rights
US Department of Education
Washington DC 20201

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972- (Higher Education Act) prohibits sex discrimination against students or others in education programs or activities. Patterned after Title VI of the Civil Rights Act, Title IX states: No person shall on the basis of sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance. It is administered by the:

Office of Civil Rights
US Department of Education
Washington, DC 20201

TITLE XII (SECTION 799A) AND TITLE VIII (SECTION 845) OF THE PUBLIC HEALTH SERVICE ACT- as amended by the Comprehensive Health Manpower Training Act and the Nurse Training Amendments Acts of 1971, prohibit (a) sexually discriminatory admission of students to federally assisted health personnel training programs and (b) sexually discriminatory practices affecting employees who work directly with applicants to or students in such programs. It is administered by:

Office of Civil Rights
US Department of Education
Washington, DC 20201

IMMIGRATION REFORM AND CONTROL ACT OF 1986- protects an alien lawfully in the United States and legally employable under Immigration and Naturalization Service regulations in the same manner as United States Citizens from discrimination in employment and equal opportunity to programs.

AMERICANS WITH DISABILITIES ACT- Title I covers employment provisions prohibiting discrimination in any terms or conditions of employment for qualified individuals with a disability.

PART II

EQUAL OPPORTUNITY POLICY OF BLUE RIDGE CTC

PART II

EQUAL OPPORTUNITY POLICY

Blue Ridge CTC, recognizing that equality of opportunity is a fundamental goal in a democratic society, shares the responsibility for achieving that equality. Blue Ridge CTC, therefore, commits itself, morally and legally, to take affirmative action to recruit and employ excellent faculty and non-faculty candidates and to insure that all present faculty and non-faculty members receive education, training compensation, promotion, tenure, transfer and all other benefits of employment without regard to race, color, age, religion, sex, sexual preference/orientation, physical disability, ancestry, blindness, familial status, ethnicity or national origin, except where a bona fide occupational qualification exists.

This Equal Opportunity/Affirmative Action Plan is a reaffirmation of Blue Ridge CTC's intention to achieve, through good faith efforts and within reasonable time periods, a representation of minorities and women in each major job classification, which reflects the current availability, and merit of such individuals and the Blue Ridge CTC capability to attract them. The Affirmative Action Plan is aimed at reducing any under-representation and under-utilization of minorities and women.

The five race/ethnic categories are defined as follows:

1. **White:** (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North America, North Africa, or the Middle East.
2. **Black:** (not of Hispanic origin): All persons having origins in any of the black racial groups of Africa.
3. **Hispanic:** All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
4. **Asian or Pacific Islanders:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Pacific Islands, or the Indian Subcontinent. This area includes, for example: China, India, Japan, Korea, the Philippine Islands, and Samoa.
5. **American Indian or Alaskan Native:** All persons having origins in any of the original peoples of North America, and who maintain culture identification through tribal affiliation or community recognition.

Blue Ridge CTC strives to provide educational opportunities for minorities and women in the student body, which reflect the interests, individual merit and availability of such individuals. The College attempts to insure equality of opportunity and treatment in all areas related to student admissions, instruction, accommodations, financial assistance, programs, employment, placement and other services without regard to race, disability, color, age, religion, sex, sexual preference/orientation, ancestry, ethnicity, blindness, familial status, or national origin.

BLUE RIDGE CTC POLICY OF NONDISCRIMINATION

Blue Ridge CTC provides opportunity to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit without regard to race, sex, ethnicity, religion, age, national origin, handicap, or sexual preference/orientation. The College neither affiliates knowingly with nor grants recognition to any individual, group, or organization having policies that discriminate on the basis of race, color, age, religion, sex, national origin, handicap, ethnicity, or sexual preference/orientation as defined by applicable laws and regulations.

Blue Ridge CTC is required by Section 904, Title IX, Education Amendments of 1972, not to deny admission on the ground of blindness or severely impaired vision; by 45 CFR 84, Subpart E, Section 84.42, and by Section 504 Rehabilitation Act of 1973, not to deny admission on basis of handicap; by 45 CFR 90,91 not to discriminate on basis of age; and by 45 CFR 886, Subpart C, Section 86.21, not to deny admission on basis of sex. By Title VI of the Civil Rights Act of 1964, no person shall be subjected to discrimination on the grounds of race, color, disability or national origin. Blue Ridge CTC is an Equal Opportunity/Affirmative Action employer in compliance with Title VII of the Civil Rights Act, West Virginia Human Rights Act, Title IX (Education Amendments of 1972), Section 504, Rehabilitation Act of 1973, and other applicable laws and regulations.

This plan is published under the authority of the Code of West Virginia, Chapter 18B Article 1, Sections 6 and 7.

PART III

RESPONSIBILITY FOR IMPLEMENTATION

PART III
RESPONSIBILITY FOR IMPLEMENTATION

The responsibility for ensuring equal opportunity within the entire Blue Ridge CTC organization rests with the President as Chief Executive Officer and his delegates.

CHIEF EQUAL OPPORTUNITY OFFICER

The President of Blue Ridge CTC is the Chief Equal Opportunity Officer. The President is responsible for ensuring the establishment, maintenance, coordination and implementation of a positive, continuing program to promote equal opportunities throughout the entire College organization.

THE PRESIDENT AND THE PRESIDENT'S STAFF

1. Provide the leadership and support of the cause of Affirmative Action throughout the College community and elsewhere.
2. Evaluate the progress of all groups, departments and units in implementing the Affirmative Action Plan and in meeting goals and timetables.
3. Conduct Equal Opportunity Affirmative Action meetings with Vice Presidents, deans and unit heads as required.
4. Review the actions, periodic reports and affirmative action recommendations prepared by the unit head.
5. Require the documentation of recruitment and selection efforts.
6. Monitor the appointment, promotion, tenure, transfer and termination recommendations made by employing supervisors and directors to ensure compliance with the Equal Opportunity Affirmative Action Plan.
7. Evaluate supervisors in part on the basis of their equal employment opportunity efforts and results.
8. Take action to prevent harassment of employees placed through affirmative action efforts.

SPECIAL ASSISTANCE

Persons designated by the President from time to time shall assist in discharging responsibilities as the Chief Equal Opportunity Officer.

VICE PRESIDENTS, DIRECTORS, DEANS AND UNIT HEADS

Each Dean, director, unit head and all other individuals with supervisory authority have immediate responsibility for carrying out the EEO/AA Plan in the areas in which they have responsibility. Each Dean and director identifies problem areas and develops goals and timetables consistent with federal requirements and with the provisions contained within the Equal Opportunity/Affirmative Action Plan.

The Director of Affirmative Action is designated by the President to assist primarily in developing, implementing and maintaining the Blue Ridge CTC policy of equal opportunity and the procedures that constitute the Affirmative Action Plan for non-facility employees.

THE DIRECTOR OF EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

1. The Director of Equal Opportunity/Affirmative Action provides direct assistance to all employing officers in implementing the Equal Opportunity/Affirmative Action Plan and its progress.
2. Audits periodically the Blue Ridge CTC job profile and employment, promotion and training practices as they relate to equal employment opportunity.
3. Provides supervisory and managerial personnel with resource materials to assist in the development of training programs.
4. Assists employees in development of their potential through the staff education program.
5. Assists in the distribution and communication of the Equal Opportunity Policy and Affirmative Action Plan and is responsible for posting non-discrimination policy posters as required.
6. Performs other duties as required and assigned.

PART IV

AFFIRMATIVE ACTION PLAN FOR INSTRUCTIONAL STAFF (FACULTY)

PART IV

AFFIRMATIVE ACTION PLAN: FACULTY (INSTRUCTIONAL STAFF)

Faculty or instructional staff includes all full & part-time persons whose specific assignments customarily are made for the purpose of conducting instruction, research or public service as a principal activity, and who hold academic rank titles of professor, associate professor, assistant professor, instructor lecturer, or the equivalent of any one of these academic ranks. The Chairships are assigned as delineated in the Faculty Handbook. This category does not include student teaching assistants or research assistants.

In cooperation with the Office of the President, the Director of Affirmative Action has major responsibility for monitoring the effectiveness of the Equal Opportunity Affirmative Action policies of Blue Ridge CTC and ensuring compliance with these provisions.

FACULTY RECRUITMENT AND SELECTION

1. All faculty recruitment efforts begin with the submission of a Permission to Recruit Form.
2. The Director of Affirmative Action will meet with the chair of each faculty search committee. It will be the responsibility of the search committee chair to arrange with the Director of Affirmative Action to conduct the initial, instructive session. The Director of Affirmative Action will provide the search committee chair with a copy of the Affirmative Action Plan. The content of the session will include appropriate procedures, legal restraints and expectations, options available for the search, and answer committee questions.
3. Once the position announcement is produced and approved by the President, the approval of the Director of Affirmative Action will be required for the wording as it relates to the Affirmative Action/Equal Opportunity rules and regulations. The Director of Affirmative Action will oversee the distribution of the announcements to assure the maximum publicity among minority populations. All applications for employment come to the Office of Human Resources.
4. All recruitment literature, letters and position announcements carry clear statements of the Equal Opportunity Policy and are distributed to recognized sources of minority and women applicants.
5. Announcements of all faculty position openings are disseminated as widely as possible by the Office of Human Resources. The requirements for each position are fully and accurately described. Blue Ridge CTC accepts applications only for posted openings.

6. Those responsible for recruitment should visit or make other forms of direct contact with Colleges and universities with predominately minority and women students for the purpose of recruiting candidate from graduate programs.
7. All resumes and employment applications of qualified persons are properly accepted, recorded and evaluated by the Office of Human Resources.
8. Selection standards for the recruitment and selection of faculty include, but are not limited to, educational attainment, scholarly achievements, experience, leadership and management ability where applicable, appropriate knowledge of technology ability and emotional stability and maturity and other related criteria.
9. All selection decisions are based upon an individual's qualifications for the position. When two or more candidates possess relatively equal qualifications and abilities, the person who will contribute most to achieving Affirmative Action objectives will be hired.
10. The chair of the committee will keep the Director of Affirmative Action informed as to the progress of the Committee.
11. The President has the right to reserve faculty positions for the purpose of hiring qualified women and minorities.
12. In interviewing applicants, the Guide to Pre-Employment Inquiries of the West Virginia Human Rights Commission found in the appendix is to be followed.
13. In considering applicants, there is to be no discrimination on the basis of race, sex, color, religion, national origin, age, physical or mental disability, sexual preference/orientation, ethnicity, blindness or familial status. Minority race members and women are to be given preference where their qualifications are judged equal to all others and where their hiring will contribute to the affirmative action goals set forth in this plan. If qualified minority race members or women applicants are interviewed and not hired, written justification is to be submitted to the Director of Affirmative Action and dean of academic affairs.
14. The search committee chair should keep a written record of personnel decisions and actions. Keep the vitae of all applicants whether or not you interview the applicant. These materials should be returned to Human Resources at the end of the hiring process. Affirmative Action entails making a positive search for applicants who are women and/or minority races. The only proof of making this search is the written Affirmative Action application forms that have been completed by women and members of minority races. The search committee chair should keep an applicant log listing: date application received, position applied for, name and address of applicant, and reasons why the successful candidate was selected.

15. The qualifications of each applicant are judged in comparison to the standards established for the position. The extent to which each applicant interviewed meets or does not meet the qualifications for the position are documented and the records retained by the Director of Affirmative Action. Consideration is given to past experience and recommendations of colleagues and other persons sufficiently knowledgeable to evaluate potential and performance.
16. It is the responsibility of the search committee to make a hiring recommendation to the President. No employee may start work without approval from Charleston.
17. Unless waived by the President due to some extraordinary circumstance, all new regular full-time faculty are hired through these procedures.
18. Affirmative Action procedures for the filling of part-time, temporary and adjunct faculty positions do not include national dissemination of position opening notifications. Affirmative Action procedures, other than following the policy of non-discrimination are not necessarily followed in the filling of part-time, temporary and adjunct faculty.

PROMOTION CRITERIA

Faculty promotion criteria include, but are not limited to, effectiveness and excellence in teaching, research and scholarship, service, professional stature, and other criteria as determined by the President. See the applicable Blue Ridge CTC Faculty Manual for details. In no case can promotion be denied or granted because of race, color, age, religion, sex, national origin, ethnicity, sexual preference/orientation, disability or familial status.

Each academic administrator is responsible for assistance in career development such as career counseling of faculty members in order to maximize the potential of minorities and women in service at faculty rank.

AFFIRMATIVE ACTION GRIEVANCE PROCEDURES FOR FACULTY AND FACULTY APPLICANTS

Faculty may file a grievance under West Virginia Code 29.6A.1. Faculty may pursue internal resolution of problems by consulting with the Director of Affirmative Action and/or the supervisor of the offending employee.

APPLICANTS FOR FACULTY POSITIONS

Applicants for employment who believe they have a grievance with regard to alleged discrimination against them should contact the Blue Ridge CTC Director of Affirmative Action. If necessary, the Director of Affirmative Action will take the problem to the President of Blue Ridge CTC.

More material concerning appeal procedures is in Part VII of this document.

PART V

AFFIRMATIVE ACTION PLAN FOR NON-INSTRUCTIONAL STAFF AND STUDENT EMPLOYEES

PART V
AFFIRMATIVE ACTION PLAN: NON-FACULTY
(NON-INSTRUCTIONAL STAFF AND STUDENT EMPLOYEES)

Non-faculty or non-instructional staff includes executive, administrative and managerial positions if their principal activity is administrative and professional non-faculty, clerical/secretarial, technical/paraprofessional, skilled crafts and service/maintenance categories.

In cooperation with the Office of the President, the Director of Affirmative Action has major responsibility for monitoring the effectiveness of the Equal Employment/Affirmative Action policies of the Blue Ridge CTC and ensuring compliance with these provisions.

To accomplish equal opportunity employment at Blue Ridge CTC the following recruitment, selection, hiring, and personnel policies and practices shall be adhered to by all employing units.

AFFIRMATIVE ACTION HIRING PROCEDURES FOR BLUE RIDGE CTC SUPPORT STAFF

1. Notify the Director of Affirmative Action of all job openings prior to commencing the search for applicants. Submit to the Director of Affirmative Action a job description, a list of minimum and desired qualifications, a Permission to Recruit Form containing a description of the working conditions, salary, and a plan for Affirmative Action recruiting. Colleges enrolling primarily minority race students are to be included in the dissemination of position opening notifications for all executive positions. In all notifications and paid advertising for applicants, insert the statement that Blue Ridge CTC is an Affirmative Action/Equal Opportunity Employer. All recruiting for support personnel is to originate in the office of the Director of Affirmative Action, who notifies the state employment security offices at Martinsburg and Hagerstown when external searches are performed. Blue Ridge CTC accepts applications only for posted openings. Blue Ridge CTC has the right to advertise certain positions on campus only. All applications for employment come to the Office of Human Resources.
2. All persons who are qualified for a position and who make application are asked to complete Affirmative Action forms, to include a confidential sheet to be returned directly to the Director of Affirmative Action.
3. In interviewing, the Guide to Pre-Employment Inquiries of the West Virginia Human Rights Commission found in the Appendix is to be followed.
4. In considering applicants, there is to be no discrimination on the basis of race, color, age, religion, sex, sexual preference/orientation, or national origin, handicap, blindness, ethnicity, or familial status. Minority race members and women are to be given preference where their qualifications are judged equal to all others and where their hiring will contribute to the Affirmative Action goals set forth in this plan. Acceptance of application for support staff personnel must continue for a period of at least 10 days.

5. The supervisor or search committee chair must keep a written record of personnel decisions and actions, and justifications, and must keep the vita of all applicants. These materials must be submitted to Human Resources at the end of the hiring process. Affirmative Action entails making a positive search for applicants who are women and/or minorities. The only proof of making this search is the written Affirmative Action applications forms that have been completed by women and members of minority races.
6. Affirmative Action procedures for the filling of part-time positions and some staff positions do not include national dissemination of position openings. Affirmative Action procedures, other than the policy of non-discrimination, are not necessarily followed in the filling of temporary, casual, and student positions, but all such hiring are made without discrimination.
7. Any prospects recruited directly by the employing supervisors must be referred to the Director of Affirmative Action for appropriate pre-employment evaluations prior to any employment decision by the supervisor.
8. Directors, managers, professional staff members and others with the responsibility of making hiring decisions attempt to identify prospective minority and women staff members while attending professional meetings and conventions.
9. The qualifications of each job applicant and each employee under consideration for a promotion or demotion are compared to the qualifying standards appropriate to the position and to other candidates. Records of such evaluations are maintained in the Human Resources Office.
10. Records of personnel decisions and actions are to be kept for a minimum of three years by each hiring unit and by the Director of Human Resources.

APPLICANTS FOR NON-FACULTY POSITIONS

Applicants for employment who believe that they have a grievance with regard to alleged discrimination against them should contact the Blue Ridge CTC Director of Affirmative Action. If necessary, the Director of Affirmative Action will take the problem to the President of Blue Ridge CTC. See Part VII of this plan.

EMPLOYEE PERFORMANCE RATING PROGRAM

Consistent with Board of Governors policy, staff employees will have their job performance evaluated during the probationary period and at least once annually thereafter. A performance appraisal will be between the employee and the employee's supervisor. The appraisal interview with the employee will be accomplished for the purpose of clarifying job understanding and expectations, improved performance, improved communications, performance counseling, goal setting and development. Annual performance appraisals will be done institution wide prior to annual notices of salary. The performance appraisal results will be used as a factor to be considered in employee transfer, promotion, retention, and demotion determinations.

PART VI

AFFIRMATIVE ACTION PLAN: STUDENTS

PART VI
AFFIRMATIVE ACTION PLAN: STUDENTS

In cooperation with the Office of the President, the Director of Affirmative Action has major responsibility for monitoring the effectiveness of the Equal Employment/Affirmative Action policies of Blue Ridge CTC and ensuring compliance with these provisions.

EQUAL OPPORTUNITY FOR STUDENTS

Admissions- Special efforts are made to recruit minority students. All persons involved in reviewing admissions applications are kept aware of the College Equal Opportunity policies. The Equal Opportunity policies are stated on the applications for admission and in the College catalog. All students are advised that the full range of opportunities at Blue Ridge CTC is open to them without regard to race, color, age, religion, ethnicity, sex, sexual preference/orientation, national origin, handicap or familial status. The student handbook carries this notification.

Special Services- Counseling and tutoring services are open on a non-discriminatory basis, and special effort is made to encourage use of the services by eligible minority race students.

Student Financial Aid and Student Employment- All employment opportunities and student financial aid are administered on a non-discriminatory basis.

Disability Students- Class scheduling takes into account the need to periodically schedule all required courses in buildings that are accessible to the disabled.

In accordance with Section 86.8(b), Title 45, Subtitle A Part 86, of the Code of Federal Regulations, the College gives notice of the procedure of bringing grievance under Title IX, Education Amendments of 1992.

A student grievance in relation to student programs and services is to be directed to the chief academic officer.

A student grievance in relation to the instructional program is to be directed President.

A student request for a waiver of a specific component of the instructional program should be directed to the registrar.

PART VII

APPEAL PROCEDURES FOR EMPLOYEES, APPLICANTS, AND STUDENTS

PART VII
APPEAL PROCEDURES FOR EMPLOYEES, APPLICANTS, AND STUDENTS

Any person who believes that the Blue Ridge CTC stated policy of non-discrimination has been violated can seek redress through College procedures. Grievances should be resolved at the lowest administrative level for the purpose of securing equitable solutions to the problems which may from time to time arise affecting College employees and students.

Employees, including student employees, and enrolled students may appeal administrative decisions, which are believed to be out of compliance with the provisions of this EEO/AA Plan by contacting, personally or in writing, the Director of Manager or other administrator who made the decision for the purpose of explaining the complaint. If the individual does not feel that the complaint has been adequately addressed, the complaint should be referred to the next level administrator. Appeals in this manner may be advanced up to, and including, to the College President.

A complainant may at any time seek the assistance of the Director of Affirmative Action for assistance with a complaint.

STATUTORY APPEAL PROCEDURES FOR COVERED EMPLOYEES INCLUDING STUDENT WORKERS

Separate from the ordinary campus processes for dispute resolution, some complaints related to employment may be covered by the State Employee Grievance Procedure.

GRIEVANCE TIMELINES UNDER WV CODE 29-6A-1 et. Seq.

Applicable to all grievances initiated after 7-1-01

The following chart outlines the statutory deadlines for both grievant and grievance evaluators in processing grievances under the State Employees Grievance Act. When calculating the number of days, Saturdays, Sundays and official holidays are not counted. Also, the day a grievance or appeal is filed, or the day a hearing ends or decision is rendered, is not counted as a day for computing the days left until the next action must take place. The intent of the law is that all parties receive complete workdays to accomplish the actions required by them under the statute. Failure to comply with these time limits may mean that a grievance is dismissed or a default judgment is rendered against the employer.

LEVEL ONE

- | | |
|--|---|
| 1. Filing of written grievance with Supervisor | Within 10 days of grievable act occurring or date when grievant became aware of the grievable act. |
|--|---|

*[Upon request of grievant or supervisor an informal conference shall be held within **3** days of filing of grievance. This DOES NOT extend the 6-day required response time.]*

- | | |
|---|--|
| 1. Immediate supervisor's written response. | Within 6 days of grievance being filed. |
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[Grievance alleging discrimination or retaliation by immediate supervisor may originate at Level Two.]

LEVEL TWO

- | | |
|--|---|
| 1. Appeal by grievant of level one decision To Officer of the Executive Staff. | Within 5 days of grievant receiving immediate supervisor's decision. |
| 2. Executive Staff Officer meets with grievant for conference. | Within 5 days of receiving Appeal |
| 3. Level two decision issued. | Within 5 days of conference. |

LEVEL THREE

- | | |
|---|--|
| 1. Appeal by grievant of level two decision to president. | Within 5 days of grievant receiving level two decision. |
| 2. Level three hearing | Within 7 days of receipt of appeal. |
| 3. Decision by President. | Within 5 days of end of hearing. |

LEVEL FOUR

- | | |
|---|---|
| 1. Appeal by grievant to level four (Administrative Law Judge). | Within 5 days of level three decision. |
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APPEAL PROCEDURES FOR EMPLOYMENT APPLICANTS

Any job applicant or candidate who has a complaint about equal employment rights should write to the Director of Affirmative Action.

1. If the complaint is directed to the Director of Affirmative Action, she shall make an investigation into the matter and respond to the complainant within a period of two weeks.
2. If the complainant is dissatisfied with the response received from the Director of Affirmative Action, he/she may appeal the matter to the President within one week after the date the response is mailed.
3. In the case of a complaint made directly to the President, or in the case of an appeal to him from the response of the Director of Affirmative Action, the President shall investigate the matter, or have it investigated, and respond to the complainant within a period of two weeks from the date of the complaint or appeal.

PART VIII

AFFIRMATIVE ACTION PLAN FOR THE EMPLOYMENT AND ADVANCEMENT OF THE DISABLED

PART VIII
AFFIRMATIVE ACTION POLICY, PRACTICES, AND PROCEDURES WITH
REGARD TO PERSONS WITH DISABILITY

POLICY

Blue Ridge CTC will not discriminate against qualified persons with disabilities at all levels of employment, including, but not limited to the following: hiring, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship.

RECRUITMENT PROCEDURES

Blue Ridge CTC will continue to enlist the assistance and support of all recruitment sources including the state employment services.

Blue Ridge CTC will continue to enlist the assistance and support of all recruitment sources including the state employment services.

JOB POSTINGS

1. **Non-faculty**- Blue Ridge CTC will list its non-faculty job vacancies internally and with local and state employment offices in the labor pool area. Deans and directors will ensure that disabled student worker applicants are given an opportunity to be placed in unclassified part-time student jobs which are not centrally administered.
2. **Faculty**- Faculty search committees and individual recruiters will ensure that appropriate recruiting sources are contacted to reach qualified persons and academic associations comprised of persons with varying degrees of impairments. Example: The American Association for the Advancement of Science, Office of Opportunities, 1776 Massachusetts Avenue, NW, Washington, DC 20036.

REEMPLOYMENT PREFERENCE TO EMPLOYEES WHO BECOME DISABLED THROUGH ON-THE-JOB ILLNESSES OR INJURIES

Present employees or former employees returning from a medical leave of absence with a work disability will be given preference for reemployment consideration in other position openings consistent with their capabilities and limitations.

PROMOTION OPPORTUNITIES

Blue Ridge CTC will encourage persons with disabilities already employed to seek promotional opportunities through the established open promotion system.

Blue Ridge CTC will provide employees with disabilities with career and promotional counseling services where indicated.

Blue Ridge CTC will use appropriate media to indicate its commitment in employing persons with disabilities.

Blue Ridge CTC will use appropriate media to indicate its commitment in employing persons with disabilities.

Blue Ridge CTC will consider qualified persons with disabilities for employment or promotion without regard to physical or mental impairment(s) that may not or will not affect their employability in suitable jobs.

PROPER CONSIDERATION OF QUALIFICATIONS

Blue Ridge CTC will review its personnel processes to determine whether present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled applicants and employees for job vacancies filled with by hiring or promotion, and for all training opportunities offered or available. To the extent that it is necessary to modify personnel procedures, Blue Ridge CTC will include the development of new procedures for this purpose in its Affirmative Action program. The procedures must be designed so as to facilitate a review of the implementation of this requirement by Blue Ridge CTC.

Where applicants or employees are selected for hire, promotion or training and Blue Ridge CTC undertakes any accommodation which makes it possible to place an employee with disabilities on the job, the application form or personnel record will contain a description of that accommodation.

PHYSICAL AND MENTAL QUALIFICATIONS

Blue Ridge CTC will adhere to a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified individuals with disabilities, they are job related and are consistent with business necessity and the safe performance of the job.

1. **Non-faculty**- For non-faculty positions, the Office of Human Resources will justify through its job evaluation program, every physical and mental qualification in each position for which the person with disabilities is being considered.
2. **Faculty**- The Deans will determine the mental and physical qualification standards for each academic position.

EVALUATION OF APPLICANT FOR EMPLOYMENT AND EMPLOYEE BEING CONSIDERED FOR PROMOTION

In the screening of all applicants and promotional candidates, all job qualification requirements must be job related and all information obtained from medical examinations and pre-employment inquiries be used in accordance with only job-related standards.

DOCUMENTATION OF ACTIONS

Each employing officer will document **job-related** reasons for the elimination of any qualified person with disabilities for employment or advancement consistent with reasons of business necessity and the safe performance of the job. Employing supervisors must forward the non-faculty rejection documentation memorandum to the Director of Affirmative Action. Copies of documentation memoranda pertaining to faculty should be forwarded to the responsible dean or director.

CONFIDENTIAL USE OF MEDICAL EXAMINATION INFORMATION

Pre-employment medical examinations, if conducted, shall be in accordance with Section 84.14 of 45 CFR 84. The results of any such examination shall also be treated in accordance with said section.

ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS OF EMPLOYEES

In considering business necessity and financial cost and expenses, to the extent possible, Blue Ridge CTC will eliminate any physical or other barriers that prevent or impede the employment or advancement of disabled individuals.

COMPENSATION

In offering employment or promotions to individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension or other benefit the applicant or employee receives from other sources.

PROFESSIONAL CONSULTATIONS

Blue Ridge CTC will seek professional guidance as needed from local, state or area rehabilitation agencies and from any of the institution's faculty experienced in the evaluation and/or placement of individuals with disabilities.

RESPONSIBILITY FOR IMPLEMENTATION

The President will have the overall responsibility of ensuring that Blue Ridge CTC obligations are met. The President will be assisted by the Director of Affirmative Action and other designees who will provide technical assistance in the overall program.

DETERMINATION OF DISABILITY

Blue Ridge CTC, in requiring a determination of employee's disability, may require said employee to provide medical documentation of the impairment(s) or, in the alternative, may require the employee to undergo a medical examination at the institution's expense.

LISTING OF EMPLOYMENT OPENINGS

Blue Ridge CTC will continue to request state employment security agencies to refer qualified individuals with disabilities for consideration.

APPEAL PROCEDURES FOR COVERED EMPLOYEES INCLUDING STUDENT WORKERS

1. If an employee or student has a question, problem, charge or complaint regarding Equal Opportunity rights, the employee is urged to begin the appeal at the place of origin, which is usually at the department level. The appeal will be presented to the department chairperson or unit supervisor immediately upon the occurrence of the complaint.
2. If the employee or student is dissatisfied with the decision of the department chairperson or head, appeal can be made directly to the dean or director.
3. If the employee or student is dissatisfied with the decision of the dean or director, the matter can be appealed to the President by writing a summary of the case and requesting an appointment, with a copy to the Director of Affirmative Action.
4. The President may hold an informal hearing himself/herself or may arrange for the appeal to be reviewed by a special committee that will present its findings and recommendations to the President, who will render a decision on the appeal.

APPEAL PROCEDURE FOR APPLICANTS

1. See page 26.

PART IX

AFFIRMATIVE ACTION PLAN FOR THE EMPLOYMENT AND ADVANCEMENT OF DISABLED VETERANS OF THE VIETNAM ERA

PART IX
AFFIRMATIVE ACTION PLAN FOR DISABLED AND VIETNAM ERA VETERANS

PURPOSE

This plan implements the amendments of the Vietnam Era Veterans Readjustment Act of 1974 requiring Blue Ridge CTC or federal contractors to take Affirmative Action to employ and advance in employment disabled veterans and veterans of the Vietnam Era. The law is administered by the Office of Federal Contract Compliance Programs, US Department of Labor.

EFFECTIVE DATE

These regulations become effective within 120 days of the commencement of any contract after July 26, 1976.

APPLICABILITY

1. **Disabled Veterans**- This Affirmative Action plan covers any qualified disabled veteran of any war who is receiving disability compensation and who is capable of performing a particular job with reasonable accommodation to his or her disability rated at 30 percent or more. The plan also covers a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
2. **Vietnam Era Veterans**- This Affirmative Action plan covers any qualified person: a) who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was honorably discharged from the service during that period, and b) who was so discharged within 48 months preceding the alleged violation of the Act, the Affirmative Action clause and/or the regulations pursuant to the Act.

The above coverage extends to all persons seeking or involved in full-time and part-time employment.

IMPLEMENTATION RESPONSIBILITY

President's Office- Ultimate responsibility for implementation of the Affirmative Action Plan for Disabled Veterans and Veterans of the Vietnam Era rests with the President through his or her staff.

Deans and Directors- Have direct responsibility for the implementation and enforcement of the commitments of the Affirmative Action Plan for Disabled Veterans and Veterans of the Vietnam Era in their respective groups. The Director of Affirmative Action will be responsible for assisting administrators in fulfilling their responsibilities.

Other Managers and Supervisors- All managers and supervisors are responsible for implementing the compliance program at their respective levels.

REQUIRED AFFIRMATIVE ACTION POLICY, PRACTICE, AND PROCEDURES

RECRUITMENT PROCEDURES

Blue Ridge CTC will continue to enlist the assistance and support of all recruitment sources including the state employment services, state Veterans Administration Office, rehabilitation agencies, veterans groups, professional associations, and educational facilities serving individuals with disabilities.

JOB POSTINGS

1. **Non-faculty**- Blue Ridge CTC will list its non-faculty job vacancies internally and with local and state employment offices.
2. **Faculty**- Faculty search committees and individual recruiters will ensure that appropriate recruiting sources are contacted to reach qualified persons and academic associations comprised of persons with varying degrees of impairments including disabled veterans.
3. Blue Ridge CTC will continue its contacts with social, professional and veterans organizations and organizations representing the disabled for such purposes as advice, technical assistance and referral of potential employees.

PROMOTION OPPORTUNITIES

Blue Ridge CTC will encourage qualified disabled veterans and veterans of the Vietnam Era already employed to seek promotional opportunities through the established open promotion system.

Blue Ridge CTC will provide employees with disabilities with career and promotional counseling services where indicated.

Blue Ridge CTC will use appropriate media to indicate its commitment in employing disabled veterans and veterans of the Vietnam Era.

Blue Ridge CTC will consider disabled veterans for employment or promotion without regard to physical or mental impairment(s) that may not or will not affect their employability in suitable jobs.

PROPER CONSIDERATION OF QUALIFICATIONS

Blue Ridge CTC will review its personnel processes to determine whether present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled veteran applicants and Vietnam Era applicants and employees for job vacancies filled with by hiring or promotion, and for all training opportunities offered or available. In determining the qualifications of a covered veteran, the College will consider only that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered. To the extent that it is necessary to modify personnel procedures,

Blue Ridge CTC will include the development of new procedures for this purpose in its Affirmative Action program.

Where applicants or employees are selected for hire, promotion or training and Blue Ridge CTC undertakes any accommodation which makes it possible to place a covered disabled veteran on the job, the application form or personnel record will contain a description of that accommodation.

PHYSICAL AND MENTAL QUALIFICATIONS

Blue Ridge CTC will adhere to a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified disabled veterans, they are job related and are consistent with business necessity and the safe performance of the job.

1. **Non-professional**- For nonprofessional positions, the Office of Human Resources will justify through its job evaluation program, every physical and mental qualification in each position for which the disabled veteran is being considered.
2. **Professional and Faculty**- The President, or chief academic officer will determine the mental and physical qualification standards for each academic position.

In the screening of all applicants and promotional candidates, all job qualification requirements must be job related and all information obtained from medical examinations and pre-employment inquiries be used in accordance with only job-related standards.

The President, Deans, or Directors will obtain appropriate medical information on applicants and employees from their local physicians or other medical authorities regarding any functional limitations or restrictions on the work or duties of disabled individuals being considered for non-faculty positions.

Where medical information is needed to evaluate disabled individuals being considered for faculty positions, such information will be obtained through the President or chief academic officer.

In all instances where medical information is requested, an authorization for the release of such inquiries will be kept confidential except that:

1. Medical information may be reviewed by the physician's staff or the College health service for medical guidance and interpretation;
2. Supervisors and managers may be informed by the President, Deans, or Directors regarding accommodation;
3. First aid and safety personnel will be informed, where and to the extent appropriate, if the condition might require emergency treatment;
4. Government officials investigating compliance with the Act will be informed.

ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS OF EMPLOYEES

In considering business necessity and financial cost and expenses, to the extent possible, Blue Ridge CTC will eliminate any physical or other barriers that prevent or impede the employment or advancement of a disabled veteran.

COMPENSATION

In offering employment or promotions to disabled veterans and veterans of the Vietnam Era, the amount of compensation offered will not be reduced because of any disability income, pension or other benefit the applicant or employee receives from other sources.

PROFESSIONAL CONSULTATIONS

Blue Ridge CTC will seek professional guidance as needed from local, state or area rehabilitation agencies, veterans groups, veterans coordinator, and from any of the institution's faculty experienced in the evaluation and/or placement of covered veterans.

LISTING OF EMPLOYMENT OPENINGS

Blue Ridge CTC will continue to request state employment agencies to refer qualified disabled veterans and veterans of the Vietnam Era.

COMPLAINT PROCEDURE

Any applicant or employee covered within the legal definition of a disabled veteran or veteran of the Vietnam Era who believes his or her rights have been violated under the Act is urged to seek redress through the College's appeal procedure immediately following the date of the alleged violation, but not to exceed 180 days from the date of the alleged violation. If there has not been a resolution of the complaint under the College's appeal procedure satisfactory to the complainant within 60 days of the filing date, the complainant may contact the local veteran's employment representative to have the complaint referred to the Department of Labor or designated agency.

APPEAL PROCEDURES FOR COVERED EMPLOYEES INCLUDING STUDENT WORKERS AND DISABLED VETERANS

1. If an employee or student has a question, problem, charge or complaint regarding Equal Opportunity rights, the employee is urged to begin the appeal at the place of origin, which is usually at the department level. The appeal will be presented to the department chairperson or unit supervisor immediately upon the occurrence of the complaint.
2. If the employee or student is dissatisfied with the decision of the department chairperson or head, appeal can be made directly to the President.
3. If the employee or student is dissatisfied with the decision of the dean or director, the matter can be appealed to the President by writing a summary of the case and requesting an appointment, with a copy to the Director of Affirmative Action.

4. The President may hold an informal hearing himself/herself or may arrange for the appeal to be reviewed by a special committee that will present its findings and recommendations to the President, who will render a decision on the appeal.
5. Any employee or student has the option of contacting the agency responsible for the enforcement of the particular equal rights law or regulations in question. All of the relevant agencies and addresses are listed in pages 5-9 of this Affirmative Action Plan.

APPEAL PROCEDURES FOR EMPLOYMENT APPLICANTS

1. See page 26.

AVAILABILITY OF FULL TEXT OF THE LAW

The full text requiring Affirmative Action under the amendments to the Vietnam Era Veterans Readjustment Assistance Act of 1974 may be reviewed in the Federal Regulations and Employment Practices of Colleges and Universities.

Information covering the specific responsibilities and obligations of the College and the Office of Federal Contract Compliance Programs, US Department of Labor, in responding to inquiries, complaints, investigations, hearings and other ancillary matters are contained in the Act.

RECORDKEEPING

Blue Ridge CTC will maintain for a period of not less than one year records regarding complaints and actions taken and such employment or other records as required by the Director of the Office of Federal Contract Compliance Programs.

ACCESS TO RECORDS OF EMPLOYMENT

Blue Ridge CTC will permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all pertinent rules and regulations for the purposes of performance under the Affirmative Action clause of Blue Ridge CTC. Information obtained in this matter will be used only in connection with the administration of the Act.

ANNUAL PROGRAM REVIEW AND PROGRAM INSPECTION BY APPLICANTS AND EMPLOYEES

The Affirmative Action program will be reviewed and updated bi-annually by the College's Equal Opportunity/Affirmative Action committee in cooperation with its Directors, Vice Presidents and the President. Emphasis will be on developing solutions to problems, particularly accommodation requirements.

The full Affirmative Action program is available for inspection by applicants in the Office of the President.

PART X

AFFIRMATIVE ACTION PLAN FOR NON-DISCRIMINATION ON THE BASIS OF SEX

PART X
NON-DISCRIMINATION ON THE BASIS OF SEX

Blue Ridge CTC does not discriminate against employees on the basis of sex. In accordance with Executive Order 11375, Blue Ridge CTC provides for Equal Employment Opportunity to any available job that a person is qualified to perform regardless of sex.

No distinction based on sex is made regarding wages, insurance, pensions, and similar “fringe benefits.”

Women are not penalized in their conditions of employment because they require time away from work on account of childbearing. The BRCTC BOG Policy 10, under the title, “Sick and Emergency Leave,” states the policies governing leave for pregnancy, miscarriage, abortion, childbirth and recovery therefrom. These, for all job-related purposes, are:

“Temporary disabilities shall be treated the same as any other off-the-job illness or disability would be for sick leave entitlement. For this reason, employees shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of off-the-job illness or disability.”

Nothing in the guidelines is to be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinctions may not be recognized by the employer in making specific assignments. The purpose of these guidelines is to ensure that such distinctions are not based arbitrarily upon the sex of the employee or applicant.

NOTIFICATION OF BLUE RIDGE CTC POLICY WITH REGARD TO NON-DISCRIMINATION ON THE BASIS OF SEX

Blue Ridge CTC is required by Title IX, Higher Education Amendment of 1972, not to discriminate on the basis of sex in its educational program, employment program, activities and admissions.

Any complaint of non-compliance with Title IX and any grievance brought under the terms of Title IX should be communicated to Director of H.R.

BLUE RIDGE CTC POLICY ON SEXUAL HARASSMENT

Sexual harassment is prohibited sex discrimination under Section 703, Title VII, Civil Rights Acts of 1964. It is contrary to the policies of Blue Ridge CTC for any employee to sexually harass another employee or student of the College by: (a) making unwelcome sexual advances, or request for sexual favors, or other verbal or physical conduct of a sexual nature as a condition of the

employees continued employment, or a student's progress toward completing course requirements; or (b) making submission to or rejections of such conduct the basis for employment decisions or academic process decisions; or (c) through such conduct creating an intimidating, hostile or offensive working environment for an employee or unreasonably interfering with a student's educational process.

Any College employee who has been found by the College after appropriate investigation to have sexually harassed another employee or student of the College will be subject to appropriate sanctions depending on the circumstances, up to and including termination. Any student who is found guilty of sexual harassment will be subject to the established student disciplinary process as outlined in the Student Handbook.

The College recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory effect requires a factual determination based on a thorough investigation of the alleged action or incident. The College recognizes the delicate situation of faculty whose presentations of subject matter may unavoidably broach topics with implied or explicit sexual overtones. Given the nature of this issue, the College recognizes also that false accusations of sexual harassment can have serious effects on innocent women and men.

BLUE RIDGE CTC PROCEDURES IN SEXUAL HARASSMENT COMPLAINTS

Response to sexual harassment complainant and the complaints is to be speedy and confidential. However, the College recognizes the right of the accused to a fair review. The steps in the procedure of processing sexual harassment complaints are as follow:

Informal Resolution of Sexual Harassment Complaints

1. Informal resolution of complaints, when possible, is the preferred and most effective way of correcting misconduct. An employee who feels he or she is being or has been sexually harassed may contact his or her immediate supervisor who should report to the Director of Affirmative Action any complaint that cannot be resolved immediately. Students or employees who wish to complain about the conduct of their immediate supervisor can contact the Director of Affirmative Action Officer directly.
2. Students and employees are also encouraged to utilize the members of the Harassment Policy Team members for assistance in such circumstances. The Harassment Policy Team will coordinate the activities of designated staff or faculty who will work directly with complainants and the Director of Affirmative Action to provide advice and counsel for complainants who would like to have such assistance.
3. The Affirmative Action Office and the Harassment Policy Team members will coordinate efforts to mediate a resolution on an informal basis whenever feasible.
4. Complainants are advised to act in a timely fashion. Ideally an informal complaint should be made within 30 days of the occurrence. The Director of Affirmative Action and the

Harassment Policy Team members shall in all cases attempt to resolve all informal complaints within 15 days of notification of the complaint.

Formal Resolution of Sexual Harassment Complaints

1. Any employee or student who feels that informal resolution of a complaint will not be or has not been satisfactory may file a formal written complaint with the Director of Affirmative Action. Since the passage of time makes the resolution of complaints more difficult, it is recommended that the written complaint be filed within 60 days.
2. A complaint filed against a professor by a student currently enrolled in the professor's class should be made within the specified deadline. The student may choose to have the complaint held confidentially until the end of the semester, at which time the complaint will be resolved. But some situations may require immediate action on the part of the Blue Ridge CTC.
3. When a formal written complaint is received by the Director of Affirmative Action, a three-member panel will be selected by the President from the Harassment Policy Team and copies of the complaint will be given to panel members. Panel members will conduct such investigation into the facts and circumstances of the complaints, as may be deemed appropriate by any of the panel members.
4. The panel may meet with the accuser, accused, and any witnesses relevant to its investigation, but shall at all times act collectively as a group and not individually.
5. Within 60 days of receipt of the formal complaint, the panel shall prepare a written report of its factual findings and conclusions regarding the merits of the complaint. This report may, if applicable, include dissenting conclusions. If the report finds any part of the complaint to be meritorious, then the report may also include recommendations for appropriate action against the perpetrator.
6. The panel shall direct its written report to the major administrator who supervises the accused. The major administrator shall then provide a copy of the report to the accused and the accuser and notice of the action that the major administrator deems appropriate.
7. Appeals on the part of the accuser may be directed to the President. The accused may appeal any adverse action by following the established grievance procedures of the Blue Ridge CTC.

ACTION TO BE TAKEN AGAINST PERPETRATORS

Any supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or student will be subject to appropriate sanctions depending on the circumstances, up to and including termination.

PART XI

GENERAL HARASSMENT POLICY

PART XI
GENERAL HARASSMENT POLICY

Blue Ridge CTC does not tolerate harassment in the work place or of members of the College community. Blue Ridge CTC wants to provide an environment free of any form of harassment. For purposes of this policy, harassment is defined as any form of conduct that would be offensive, intimidating, or threatening to the average person and is done on the basis of race, religion, color, ethnicity, national origin, ancestry, gender, age, blindness, sexual preference/orientation, handicap, or familial status of the recipient, or on account of the recipient's relationship with person(s) of protected-class status.

If an employee or student believes he/she has been harassed in violation of this policy, he/she should take the steps that are outlined in the Racial Harassment Policy.

PART XII

RACIAL HARASSMENT POLICY

PART XII

RACIAL HARASSMENT POLICY

Blue Ridge CTC does not tolerate harassment in the work place or of members of the College community. Blue Ridge CTC wants to provide an environment free of any form of harassment. For purposes of this policy, racial harassment is defined as any form of conduct that would be offensive, intimidating, or threatening to the average person and is done on the basis of race, color, ethnicity, national origin, or ancestry of the recipient, or on account of the recipient's relationship with person(s) of protected-class status.

If an employee or student believes he/she has been harassed in violation of this policy, he/she should take the following steps immediately:

1. If practical, confront your harasser with your complaint and explain why the action or comment is offensive or improper. Say it firmly, without smiling, and without apologizing.
2. Keep records-write a journal on this issue, record the facts on a tape recorder, or tell a friend in confidence. Keep track of dates, places, times, witnesses, and the nature of the harassment. Save any letters, cards, or notes in a secure place, preferably at home. Bear in mind that this document may be used in litigation.
3. Tell the harasser, in writing, that you object to this behavior. Describe the specific things that offend or upset you. Treat this letter as a confidential piece of communication and keep a copy of it.
4. If harassment does not stop after taking these steps or if initial harassment is so serious as to require immediate action then a complaint should be initiated. A complainant should always feel encouraged to consult with the Affirmative Action Officer, members of the Affirmative Action Committee, or members of the Harassment Policy Team for guidance and assistance if they feel that they are a victim of harassment. However, generally, neither the Affirmative Action Officer, nor Committee or Team members can serve as a representative of the victim.

Informal resolution of complaints, when possible, is the preferred and most effective way of correcting misconduct. An employee who feels he or she is being or has been harassed should contact his or her immediate supervisor who should report to the Affirmative Action Officer any complaints that cannot be resolved immediately. A student can contact his/her instructor or the President of the Blue Ridge CTC.

Any employee or student who feels that informal resolution of a complaint against an employee will not be or has not been satisfactory may file a formal written complaint with the Affirmative Action Officer. Since the passage of time makes the resolution of complaints more difficult, it is recommended that the written complaint be filed within 60 days.

Complaint Procedures

Any applicant for employment, current or former employee, or student (herein referred to as complainant) at Blue Ridge CTC may file a discrimination or harassment complaint with the Office of Human Resources, or the President of the Blue Ridge CTC.

Filing of Complaints

The Office of Human Resources has the responsibility for monitoring and addressing allegations of harassment brought by an employee, applicant, or student. For current employees, complaints of harassment may be made either to the immediate supervisor, the next level supervisor, or the Office of Human Resources. Students should contact the appropriate faculty member or the Office of Human Resources. Job applicants and others should contact the Office of Human Resources.

PART XIII

UTILIZATION ANALYSIS FACULTY AND STAFF

PART XIII UTILIZATION ANALYSIS

FACULTY

Blue Ridge CTC actively recruits faculty locally, regionally, and nationally. The availability data on form #3 represents national data from the 2006 Statistical Abstract of the US. Analysis of form #4 shows that currently there are 6 white males and 14 white females on the faculty. Due to having only 20 full-time faculty, any statistical comparisons to a regional or national sample is difficult. However, BRCTC is one black female below the desired level and the annual and ultimate goal is to employ one black female faculty member.

STAFF

Blue Ridge CTC actively recruits staff (both classified and non-classified) locally and regionally. The availability data on form #3 is from WV Affirmative Action Data, BEP, for Berkeley, Jefferson and Morgan, 2006. Analysis of form #4 shows that currently there are 21 staff employees. There are 4 white males and one black male on the staff. There are 11 white females, four black females, one Asian female on the staff. There is no under utilization on the staff.

GOALS

Goals are not rigid quotas but targets that BRCTC would like to meet in the future. In those job categories where there has been a persistent history of under-representation of minorities or females, the President shall be permitted to make appropriate exceptions to those procedures for the express purpose of facilitating the hiring of minority/female applicants in open positions. Such exceptions shall be governed by current statutes and case law.

ⁱⁱⁱ Applicable if Blue Ridge CTC acquires federal contracts or subcontracts that total \$10,000 or more for a 12-month period.
