

INTRODUCTION

It is the policy of Southwest Virginia Community College and the Virginia Community College System to maintain and promote equal employment and educational opportunities without regard to race, color, sex, or age (except where sex or age is a bona fide occupational qualification), religion, disability, national origin, citizenship status, political affiliation, marital status, veteran status, or other non-merit factors. Inquiries concerning affirmative action and equal opportunity policies should be addressed to the College's Affirmative Action Coordinator.

The College recognizes that affirmative action in the college setting should provide more than equal employment opportunities. The intent of this Affirmative Action Plan is to ensure equality for students and that employees and/or applicants for employment are provided equal opportunity.

All workforce members are responsible for equal opportunity and affirmative action. All supervisors, department heads, division deans, and vice-presidents are required to become familiar with the contents of the SVCC Affirmative Action Plan and to take an active role in implementing its policies and practices. The College can only be successful if all above identified members are committed to the success of the plan.

The College has a campus wide Affirmative Action Committee consisting of faculty, staff, administrators, and student representatives, who meet each semester to discuss issues related to affirmative action. The Affirmative Action Coordinator may also call additional meetings if there are related concerns that need to be addressed by the committee.

Dissemination of the AA/EEO Plan

The following procedures are used to communicate the Affirmative Action/Equal Employment Opportunity Plan to students, employee applicants, and referral sources:

- **Job announcements have the statement “an equal opportunity/affirmative action employer” in all job announcements.**
- **The “Equal Opportunity Employment Policy” disseminated by the Virginia Community College System is posted on college bulletin boards.**
- **The College’s equal employment opportunity/affirmative action procedures and policies are in the faculty, staff, and student handbooks.**
- **All campus publications, brochures, class schedules, etc. have the statement “an equal opportunity affirmative action employer” listed. To further reach students who may use English as a second language or have difficulty understanding English, the following statement is listed on the class schedule: “para informacion en espanol, llame Ud...”**

Nondiscrimination Policy

With respect to educational programs, the College does not discriminate in the evaluation of any person's application on the basis of race, color, national origin, sex or religion. The College, however, reserve the right to refuse admission to any applicant when, in the College's opinion, the applicant's presence in the College community will pose a serious threat to the continued safety or welfare of the campus and community; or when the College is of the opinion that the applicant will receive no significant educational benefit by attending the College. Such a determination will be based upon objective criteria such as prior record of criminal activity, prior academic record at other institutions, or the applicant's ability to benefit. These criteria are set forth as examples and not for purposes of limitation.

With respect to employment, equal opportunity extends to all aspects of the employment relationship including hiring, transfers, promotions, training, termination, working conditions, compensation, benefits and other terms and conditions of employment. SVCC complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of unlawful harassment, including sexual harassment.

This plan also prohibits discrimination under related federal statutes, including Title VI of the Civil Right Act of 1964 (race and national origin), Title IX of the Educational Amendments of 1972 (sex), and Section 504 of

the Rehabilitation Act of 1973 (disability). Additional discrimination is prohibited under related state statutes including the Governor of Virginia's Executive Order 1, "Equal Opportunity," Department of Human Resource Management Policy No. 2.05, "Equal Employment Opportunity," and Virginia Community College System Policy, "Equal Employment Opportunity" signed by the Chancellor on July 1, 2001.

The Governor's Executive Order on Equal Opportunity includes the following provision:

- Prohibits employment discrimination on the basis of race, gender, color, national origin, religion, age, or political affiliation, or against otherwise qualified persons with disabilities (as defined in accordance with the "Americans with Disabilities Act.").**
- Does not permit the lowering of bona fide job requirements, performance criteria, or qualifications in order to give preference to any state employee or applicant for state employment on the basis of the above prohibitions.**
- Prohibits all employees, including agency heads, managers, and supervisors from taking retaliatory action against any person making allegations of violations of the Executive Order.**
- Directs agency heads and managers to take measures, as determined by the Director of the Department of Human Resource Management (DHRM), to emphasize the recruitment of qualified**

minorities, women, persons with disabilities, and older persons to serve at all levels of state government.

- **Any state employee or applicant for state employment may file an allegation of violation of the Executive Order with the office of Equal Employment Services (OEES) in the Department of Human Resource Management.**

Any state employee found in violation of Executive Order 1 shall be subject to appropriate disciplinary action.

Harassment Policy

SVCC is committed to the provision of a professional, harassment-free environment for employees, job applicants, students, and all persons who seek or receive services from the college or its contractors. The College considers all forms of harassment, including hazing, to be unacceptable behavior because it undermines productivity in the work and academic environments, degrades, intimidates, isolates and is discriminatory. Harassment infringes upon the rights of all and creates a hostile environment for learning and working.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission of such conduct is made, either explicitly or implicitly, a condition of employment; (2) such conduct has the purpose or effect of unreasonable interference with a person's job performance by creating an intimidating, hostile, or offensive working environment; or, (3) submission to rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

Harassment in any form is a serious offense that will not be tolerated in state employment. The Governor's Executive Order and DHRM's Policies

and Procedures Manual set for the policy of the Commonwealth concerning unlawful discrimination.

It is unlawful to discriminate against any person based on race, color, religion, national origin, sex, age, marital status, citizenship status, disability, political affiliation, and veteran status. Supervisors or employees found to have engaged in unlawful discriminatory conduct or harassment are subject to immediate disciplinary action, including termination of employment.

SEXUAL MISCONDUCT POLICY

Sexual misconduct is reprehensible and will not be tolerated by SVCC. It subverts the mission and goals of the College and threatens the careers, educational experience, and well being of students, faculty and staff.

Sexual misconduct is a form of discrimination and relationships involving sexual misconduct have no place within the College. Sexual misconduct is destructive to individual students, faculty, staff and the academic community as a whole. When through fear or reprisal, a student, staff member, or faculty member submits or is pressured to submit to unwanted sexual attention, the entire College suffers.

While sexual misconduct most often takes place in situations of a power differential between the persons involved, the College recognizes that sexual misconduct may occur between persons of the same status. Sexual misconduct may also occur between persons of the same sex. The College will not tolerate behavior between or among members of the College community that creates an unacceptable working or educational environment.

SVCC has defined physical and psychological abuse as misconduct, which is subject to disciplinary action. Allegations of sexual harassment, rape,

acquaintance rape, and other forcible and non-forcible sex offenses are subject to disciplinary actions. This sexual misconduct policy applies to all employees and students. Where there is probable cause to believe that campus regulations prohibiting sexual misconduct have been violated by a student or employee, SVCC will pursue disciplinary action, which may include sanctions up to, and including dismissal from the College.

State regulations require all SVCC employees to treat seriously any allegation of a sex offense reported to them or face possible action by the College, if not a criminal action, which could lead to their suspension or dismissal.

If an incident occurs which is a violation of Virginia’s criminal justice statutes, prosecution may be undertaken by the Commonwealth Attorney. If criminal justice authorities choose not to prosecute, the College can pursue disciplinary action. Students will be disciplined under SVCC’s “Student Code of Conduct” as found in the SVCC Catalog and Student Handbook; faculty will be disciplined according to the SVCC Faculty Handbook; and classified staff will be disciplined according to the Commonwealth of Virginia’s Standards of Conduct.

If a student is involved in an incident with another student, the Dean of Student Development Services has jurisdiction over the incident.

If the student is involved in an incident involving a member of the faculty, a counselor, or others who work for the College, or if the incident involves two employees, the President has jurisdiction over the incident.

Appeals can be made to appropriate authorities.

If a sexual assault occurs on SVCC's property or in connection with any College function, the College shall see that the victim's confidentiality is protected. The choice to speak to people, other than law enforcement authorities, is up to the victim. The victim has the right to:

- **Be treated with dignity, in a courteous and respectful manner.**
- **Be protected from threats, intimidation, and harm.**
- **Be informed concerning the criminal justice process.**
- **Be informed of financial assistance and social services available.**
- **Be notified of criminal court proceedings relating to his or her case.**

In addition to, or in lieu of, rights above:

- **File a grievance within 30 days of the offense as outlined in the Grievance Procedure for State Employees, OR file a complaint with**

the Equal Employment Services of the Commonwealth Department of Human Resources Management within 180 days of the offense; or

- **File a complaint with the Federal Equal Employment Opportunity Commission within 180 days of the incident.**

Information on any of these procedures may be obtained from the Human Resources Office.

Accommodations for Religious Holidays

Title VII of the Civil Rights Act of 1964, Section 703 (a)(1), prohibits discrimination on the basis of religion. Guidelines issued by the United States Equal Employment Opportunity Commission state that the requirement not to discriminate on religious grounds "... includes an obligation on the part of the employer to make reasonable accommodation to the religious needs of employees... where such accommodation can be made without undue hardship on the conduct of the employer's business." Such religious needs might include the need to observe certain religious holidays during the year, which are not included in the list of paid holidays provided to state employees.

To comply with the provision of the Civil Rights Act, when a religious holiday falls during an employee's workweek and the employee wishes to observe that holiday, state agency heads must make reasonable efforts to accommodate the employee's needs by allowing time off for the holiday. Only where undue hardship on the conduct of agency business would result can the employee's request for time off be denied. Undue hardships might exist, for example, where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence. The Equal Employment Opportunity Commission Guidelines provide that "... the employer has the burden of

proving that an undue hardship renders the required accommodations to the religious need of the employee unreasonable."

Such time off must be charged to accumulated annual or compensatory leave or, at the employee's option, to leave without pay. When no applicable leave balances are available, the absence must be charged to leave without pay.

Responsibility

The College President implements and monitors the implementation of the plan through the Affirmative Action Coordinator in cooperation with all administrators, faculty, and staff throughout the College. The Affirmation Action Coordinator has been delegated appropriate authority to administer the Affirmative Action Plan for the College.

Recruitment and Selection Policies

In accordance with state and federal guidelines and directives, and the goals of the “Affirmative Action Plan” of Southwest Virginia Community College, the following procedures are to be followed in the recruitment and selection of classified personnel. The purpose is to avoid discrimination in employment practices on the basis of race, sex, color, national origin, religious preference, age, disability, veteran status, or any other matter not directly related to the qualification of the individual to perform the duties of the job.

Recruitment

In the event a new full-time position is established, or a current position is vacated, supervisors must determine which recruitment method best meets their needs. One of the following methods, set out in DHRM Policy No. 2.10, must be selected:

Internal Recruitment

Agencies may elect to use internal recruitment and announce job vacancies only within the agency so that initial consideration is extended to the agency’s current employees. This election should be made in consideration of the agency’s affirmative action objectives, availability of qualified internal applicants, and other relevant factors.

State Employees Only

In addition to posting job announcements internally, agencies may elect to consider current state employees in other agencies through the external method.

Open Recruitment

Agencies also may elect to use the open recruitment method in which all state employees and the general public are eligible to apply.

The vacancy announcement will list the job qualifications and responsibilities consistent with the requisite knowledge, skills, and abilities. Qualifications should not be so absolutely stated as to discourage otherwise qualified applicants from applying or to automatically preclude applicants from consideration. The following guidelines from DHRM will be observed:

- The use of specified year of experience – for example, two years, four years, four to six years – for the purpose of job advertising is prohibited, although applicable or related experience may, in some instances, be required or, in other instances, be preferred.

- **Care should be taken not to overstate educational requirements, nor should educational requirements be so absolutely stated or used so as to preclude from consideration applicants who possess equivalent or sufficient applicable experience or training. However, where educational requirements have been mandated by law, they should be so stated.**
- **Any proficiency levels utilized should be set so as to be reasonable and consistent with normal expectations of acceptable proficiency within the work force. There is really no efficient way to measure proficiency levels in the computer field. Applicants may be questioned regarding computer knowledge and skills during the interview process.**
- **When occupational certifications or licenses are required by law for selected state occupations, such certifications or licensees should be identified as requirements in job announcements and used for recruitment and selection purposes.**

Internal vacancy announcements will be distributed within five working days of notification of the approval to hire from the President.

In all cases, the vacancy announcement will be distributed at least five working days before the application deadline.

All announcements and advertisements must include the following data:

- **Last date for receiving applications and the expected date to be filled;**
- **The salary for the position;**
- **Statement that the position is grant-funded, if applicable; and**
- **The statement:**

SVCC is an EEO/AA employer.

Minorities and women are encouraged to apply.

Applicants needing accommodations due to disabilities should contact the Human Resources Office.

The successful candidate must demonstrate proficiency in oral and written communications.

Reports and Record Keeping

In accordance with federal and state guidelines, records must be completed and maintained on each applicant for a minimum of three years, as follows:

- **The Interview and Selection Report will indicate those interviewed, the reasons for rejecting those not selected, and the reasons for choosing the one hired.**
- **An Applicant Data Summary will be prepared on the race and sex for all applicants.**

The following records will also be maintained:

- **A list of newspapers in which ads were placed, giving the date the announcement appeared;**
- **List of all groups (agencies, minority groups, etc.) to which an announcement was sent;**
- **Date of internal announcement; and**

- **Interview records, including the names of the screening committee members, questions asked during the interview process, candidate responses to interview questions, and the report of the interviewee's strengths and weaknesses.**

Reasonable Accommodation for Persons with Disabilities

Discrimination against job applicants and employees with disabilities is prohibited under state and federal law. Reasonable accommodations for qualified persons with disabilities will be provided to ensure equal access to all terms, conditions and privileges of employment. Applicants needing accommodations due to disabilities should contact the Human Resources Office.

The College works with students with disabilities to assist them in meeting their education goals; either at SVCC or through referral to other agencies. On request, the College will provide reasonable accommodations to students with disabilities as long as may be necessary to provide equal access. The Dean of Student Development Services will receive requests for student accommodation under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The Dean will verify that the student is a person with a disability as defined by law from documentation provided by the student; and will render a decision as to whether the accommodation(s) will be recommended to the faculty member for implementation.

All students with disabilities are encouraged to identify themselves and provide documentation to the Dean of Student Development Services, whether or not they have immediate need for accommodation. With respect to student privacy, information regarding the student's disability will be held confidentially and only shared on a need-to-know basis with appropriate college personnel. The Dean will refer the student to the specified Student Development Services/ADA professional for individual assistance.

- It is the responsibility of the student with a disability to contact the Dean of Student Development Services and request services. Requests for accommodations/ consideration should be made three to six weeks prior to the date service is to begin.**
- Students must provide documentation of the disability for which they seek accommodation. The documentation should be current (usually within the last three years) and from a qualified professional in the field.**
- It is the responsibility of the student to notify the faculty member(s) of approved accommodations needed for each class.**
- Where course substitutions or curriculum changes are requested as accommodations by students with disabilities, the approval of the appropriate Division Dean will be sought by the Dean of Student Development Services.**

- **Students with a complaint should file it in writing with the Dean of Student Development Services. A description of the alleged violation and the name and address of the person filing the complaint should be included. Persons should file within the semester the alleged violation occurred. Should the complaint be about the decisions or actions of the Dean of Student Development Services, the complaint should be filed with the Vice-President of Instruction.**
- **Students with disabilities will be expected to abide by the same College rules, policies, and due process procedures that apply to all other students.**

The College maintains compliance with both ADA and the Rehabilitation Act of 1973.

General services provided to students with disabilities include priority registration, academic referral services, and general information related to the disability. Individuals needing additional information can contact the Dean of Student Development Services at 964-7286, the Coordinator of Counseling Services at 964-7300, or Student Support Services counselors at 964-7231, 964-7232 or 964-7399.

Discrimination Complaint Procedures

Complaints concerning affirmative action and equal opportunity policies should be addressed to the College's Affirmative Action Coordinator.

Employees may also obtain information from the Human Resources Office.

Analysis of College's Service Region

The College's service region consists, Buchanan, Dickenson (partial), Russell and Tazewell counties, located in the foothills of the Clinch Mountains of southwest Virginia. The service region has a population minority percentage of 3.3% (see Attachment I). While Buchanan County is listed with 3.3% minorities, it should be noted that the approximately 50% of these minorities are located at the Keen Mountain Correctional Facility and not a part of the labor market. -

Historically, the College has made and continues to make additional recruitment efforts to attract minority applicants. The College advertises faculty positions in The Chronicle of Higher Education and the Virginia Press Association's AdNetwork to reach a large number of applicants. The AdNetwork consists of 90 newspapers throughout Virginia and the District of Columbia including Spanish and other minority newspapers. All classified positions are posted in the State RECRUIT online job listing as required by Department of Human Resource Management policy. Position announcements are posted on college bulletin boards, on the Human Resources web site, and on the job hotline. In addition, all position announcements are mailed to local minority groups and churches in an attempt to reach minority community members.