

College of DuPage
AFFIRMATIVE ACTION PLAN
2016

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I. THE POLICY STATEMENT

The College of DuPage has adopted Board Policy #15-5 as a statement of its commitment to Equal Opportunity and Affirmative Action which states:

Consistent with federal and state law, the Board of Trustees will facilitate through the Affirmative Action Officer equal employment opportunities to all persons regardless of their race, color, religion or creed, sex, national origin, ancestry, age, marital status, sexual orientation, gender identity and expression, arrest record, military status or unfavorable discharge from military service, citizenship status, use of lawful products while not at work, physical or mental handicap or disability (if otherwise able to perform the essential functions of the job with reasonable accommodation), or other factors which cannot lawfully be the basis for an employment decision.

The term "employment opportunities" includes hiring, promotion, termination, wages, benefits, and all other privileges, terms, and conditions of employment.

In accordance with federal law, the College will maintain a written Affirmative Action Program to implement and maintain the policy of equal opportunity through positive efforts.

II. PREFACE

This plan is an annual update reviewing last reporting year's activity October 1, 2014 to September 30, 2015 and planning for the next the Equal Employment Opportunity reporting year: October 1, 2015 to September 30, 2016.

III. INTRODUCTION

As part of the implementation of this board policy and in accordance with regulations, the College has developed this affirmative action plan and will continue to make annual updates thereafter. The Affirmative Action Plan consists of the following elements:

- Overview of federal laws and executive orders for background information.
- Overview of Affirmative Action Policy, the responsibilities of the Affirmative Action Officer, the dissemination policy on Harassment and the Affirmative Action Committee.
- A utilization analysis which compares College of DuPage work force with the available work force and sets recruitment goals for areas of under-utilization of minorities.
- A utilization review which discusses the recruitment goals established by the analysis and methods planned for goal accomplishment.
- Full-time employment activity.
- A summary of recent institutional initiatives we feel will assist in the hiring and retention of underrepresented minorities.
- A summary of employment activity for major occupational activities to analyze progress toward goals.

- A copy of the Equal Employment Opportunity and Affirmative Action Policy 15-5.
- Other considerations.

IV. OVERVIEW OF LAWS AND EXECUTIVE ORDERS

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 – Title VII outlaws any kind of discrimination against employees or applicants for employment on the basis of race, color, religion, sex, or national origin. In 1978 the Pregnancy Discrimination Act amended Title VII and clarified that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work.

EQUAL PAY ACT OF 1963 – This act, part of the Fair Labor Standards Act, requires that men and women performing equal work must receive equal pay.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 – This act prohibits discrimination against individuals 40 years of age and over and applies to employers of 25 or more.

EXECUTIVE ORDERS – Executive Order 11246 (as amended by EO 11375) not only bans discrimination, but requires affirmative action on the part of federal government contractors and requires contractors to submit a written affirmative action plan. Executive Order 11141 prohibits discrimination on the basis of age by government contractors. (COD is a federal government contractor.) Executive Order 11914 bars discrimination against the handicapped in federally assisted programs.

TITLE IX SEX DISCRIMINATION – Title IX of the Education Act amendments of 1972 prohibits discrimination against students on the basis of sex in educational programs receiving federal funds.

REHABILITATION ACT – The Rehabilitation Act of 1973, sections 503 and 504, applies to government contractors and subcontractors as well as to those receiving government grants. The Act prohibits discrimination based on physical and mental handicaps and mandates affirmative action to employ qualified handicapped persons. Alcoholism, drug addiction, and mental illness are included under the Act's definition of handicap.

VIETNAM ERA VETERANS READJUSTMENT ACT OF 1974 – This federal statute, effective December 3, 1974, requires organizations holding federal contracts of \$10,000 or more to take "affirmative action to hire and advance in employment disabled and Vietnam-era veterans".

ILLINOIS HUMAN RIGHTS ACT OF 1980 – This state law broadens federal law to prevent discrimination based upon marital status, unfavorable discharge from military service, and ancestry.

AMERICANS WITH DISABILITIES ACT OF 1990 – This federal statute, effective July 26, 1992, prohibits discrimination against a qualified individual with a disability in regard to job application procedures, hiring, advancement or discharge, compensation, training and other terms, conditions and privileges of employment.

OLDER WORKERS BENEFIT PROTECTION ACT – This federal statute, effective April 14, 1991, or June 1, 1992 if covered by a collective bargaining agreement, or October 16, 1992 for local governmental entities requiring ordinance changes, prohibits age-based discrimination in the structure and administration of employee benefit plans unless justified by costs incurred.

THE 1991 CIVIL RIGHTS ACT – This federal statute, signed into law on November 21, 1991, provided technical corrections to court precedent in the area of civil rights. It capped damages at \$300,000 and expanded the applicability of compensatory and punitive damages to areas previously excluded. It allowed jury trials in these cases. It prohibits race norming of test scores and requires employers to “demonstrate” challenged practices as job related.

V. POLICY DISSEMINATION

Internal Dissemination

Internal dissemination of the Equal Employment Opportunity and Affirmative Action policy and plan shall include:

1. Meetings will be conducted as appropriate with administrators and supervisory staff to explain the intent of the policy and to reiterate the College’s commitment, as well as the expectations regarding each individual administrator/supervisor’s responsibility for effective implementation of the plan.
2. The Equal Employment Opportunity and Affirmative Action policy will be communicated through appropriate College publications.
3. A copy of the Equal Employment Opportunity and Affirmative Action policy will always be available to all employees by request.
4. The Affirmative Action Plan is posted on the COD portal and is accessible to all College employees.
5. The Equal Opportunity statement is listed on COD internal job postings.

External Dissemination

External dissemination of the Equal Employment Opportunity and Affirmative Action policy and plan shall include:

1. Inform all external recruiting sources that the College of DuPage is an Equal Employment Opportunity employer and request that these sources actively recruit and refer protected group members to the College for employment.
2. The College will incorporate an Equal Opportunity statement in all purchase orders, leases and contracts where required by law.
3. All advertisements of employment positions shall clearly state that the College of DuPage is an Equal Opportunity/Affirmative Action employer.
4. All required notices pertaining to the employment of minorities, women, veterans, and individuals with disabilities will be posted in places visible to employees and applicants for employment.

5. Include a link to the Affirmative Action plan which includes the Equal Employment Opportunity and Affirmative Action policies on the College of DuPage Human Resources homepage.

VI. RESPONSIBILITIES OF THE AFFIRMATIVE ACTION OFFICER

The Procedure for Board Policy # 15-5, Equal Employment Opportunity and Affirmative Action, appoints the Vice President of Human Resources as the Affirmative Action Officer of the College of DuPage and charges her with the responsibilities that include:

1. Developing Affirmative Action Policy statements and programs.
2. Writing an Affirmative Action Plan, compiling data and presenting to the Affirmative Action Committee and the College of DuPage Board of Trustees.
3. Assisting management in identifying problem areas.
4. Act as a contact person for anyone who has an Equal Opportunity or Affirmative Action concern.
5. Serve as liaison between the College and concerned groups representing protected individuals.
6. Ensure that protected individuals are afforded an opportunity and are encouraged to participate in all College-sponsored education, training, recreational, and social activities.
7. Ensure that all supervisors take action to prevent harassment.
8. Perform other duties as necessary to develop and maintain an effective Affirmative Action Program.

VII. AFFIRMATIVE ACTION COMMITTEE

The Procedure for Board Policy # 15-5, Equal Employment Opportunity and Affirmative Action creates the Affirmative Action Committee that is charged with advising the Affirmative Action Officer in the performance of the responsibilities of this policy.

VIII. HARASSMENT

Every employee has the right to a workplace free of harassment. The College has a strong policy prohibiting sexual and other illegal types of harassment. The policy includes current legal definitions of harassment and provides guidelines for obtaining advice, filing formal complaints and seeking resolution.

Supervisory personnel should review required action if they become aware of any conduct which may be harassment. Employees can contact the Affirmative Action Officer for more information.

IX. UTILIZATION ANALYSIS

Federal regulations promulgated pursuant to Executive Order 11246 provide a basis for determining an affirmative action plan. The basis for the plan is as follows:

1. Divide the work force into job groups with more than six persons in each group.
2. Determine the percentage of men, women, Blacks, Hispanics, Asians, Whites, and others in the work force by job group.
3. Determine the available percentage of women, Blacks, Hispanics, Asians, and others in the available pool of job applicants by defining the labor recruitment area using eight factors measuring availability. (This is called the availability determination.)
4. Compare the availability percentages against the work force percentages, taking a ratio of work force to available candidates where the work force percentages are smaller than the availability figures. (This is called the utilization analysis.)
5. Where the ratio of work force to available minority candidates is 80% or less, determine the number of persons needed to reach parity, defined as a 1 to 1 ratio between work force and available minority workers. (This number is called a recruitment goal.)
6. Determine the steps needed to reach the recruitment goal, such as increased minority recruitment activities. Determine how long will be needed to implement such steps and reach the goal. (This will be referred to as the timetable).

In the preparation of the College of DuPage plan, the work force has been divided into several groups designated as occupational activities where comparative statistics are reasonably available.

Full-Time Faculty (Teaching)
 Full-Time Professionals (Librarians, Counselors, etc.)
 Administrators
 Full-Time Technical/Para-Professional (High level Classified)
 Full-Time Secretarial/Clerical (Classified)
 Full-Time Skilled Craft (Classified)
 Full-Time Service/Maintenance (Classified)
 Part-Time Faculty
 Part-Time Technical/Para-Professional
 Part-Time Secretarial/Clerical
 Part-Time Skilled Craft and Service/Maintenance

Utilization analysis has been prepared for each occupational activity for each ethnic code established by the EEOC (Equal Employment Opportunity Commission).

Columns have been established for each element of the table.

A. Eight factors were considered for determination of availability:

- I. Minority population in the labor area. This item has not been used because we need to look at minorities within particular skill areas. This is done in items IV and V.
- II. Minority unemployment in the labor area. This was not used because we need to look at minorities within particular skill areas. This is done in items IV and V.

- III. Minority percentage in the work force in the labor area. This item has not been used because we need to look at minorities within particular skill areas. This is done in items IV and V.
- IV. General availability of minorities with requisite skills in the immediate labor area. For purposes of this analysis, local availability figures used were based on the EEO Tabulation 2006-2010 (5-year American Community Service data) sponsored by four Federal agencies consisting of the Equal Employment Opportunity Commission, the Employment Litigation Section of the Civil Rights Division at the Department of Justice (DOJ), the Office of Federal Contract Compliance Programs (OFCCP) at the Department of Labor, and the Office of Personnel Management (OPM).
- V. The availability of minorities with requisite skills in an area where the employer can reasonably recruit. For purposes of this analysis national availability was used for some skill areas based upon the EEO Tabulation 2006-2010 (5-year American Community Service data).
- VI. The availability of promotable and transferable minorities.
- VII. The existence of training institutions capable of training persons in the requisite skills. The effect of this factor is considered embodied in the minorities with requisite skills in the local and expanded local minority availability numbers.
- VIII. The degree of training which the employer can reasonably undertake as a means of making all job classes available to minorities. This training, which is embodied in the College fringe benefit programs, is likely to impact all employees equally and not likely to change availability of minorities. See "Employee Development."
- B. This is the percentage distribution of our work force by sex and ethnic code.
- C. Utilization is the percentage of the particular category in our work force divided by the availability (B divided by A). Utilization percentages in excess of 100% indicates a utilization rate greater than the distribution in the available pool. A utilization percentage of less than 100% indicates a utilization rate of less than the available pool.
- D. The long term recruitment goal is set wherever our utilization rate (C) is at or less than 80%. The computation is done by taking the total of our workforce (both sexes) multiplied by the Census Data % for a specific ethnic code minus the actual number for that ethnic code in our work force. $E (\text{total both sexes}) \times A (\text{specific ethnic code}) - E (\text{same specific ethnic code})$ this number is always rounded to a whole number. The recruitment goals are discussed further in the utilization review.
- E. This is the total number of employees as well as their sex and ethnic code distribution. Please notice that the total is obtained by adding up the ethnic codes or the sex distribution. These numbers are used to create the percentage distribution of our work force (B). The total of both sexes is also used to calculate the recruitment goal. These figures do not include temporary (casual) employees.

In the Utilization Analysis, there may be variances between the Workforce Data and Actual Employment Activity (pp 16 &17) due to the timing of data reports generated.

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY FULL-TIME FACULTY

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			306
	1	76.24%	83.99%	110.17%		257
	2	2.95%	4.90%	166.10%		15
	3	4.67%	2.29%	49.04%	7	7
	4	16.09%	8.17%	50.78%	24	25
	5	0.05%	0.65%	1300%		2
Females	Total	52.90%	49.02%	92.67%		150
Males	Total	47.10%	50.98%	108.24%		156

Ethnic Code 1 - White (Non-Hispanic)
 2 - Black
 3 - Hispanic
 4 - Asian or Pacific Islander
 5 - American Indian or Alaskan Native

OCCUPATIONAL ACTIVITY FULL-TIME PROFESSIONAL/LIBRARIANS, COUNSELORS

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			20
	1	76.24%	70.00%	91.82%		14
	2	2.95%	25.00%	847.46%		5
	3	4.67%	0.00%	0.00%	1	0
	4	16.09%	5.00%	31.08%	2	1
	5	0.05%	0.00%	0.00%		0
Females	Total	52.90%	60.00%	113.42%		12
Males	Total	47.10%	40.00%	84.93%		8

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY ADMINISTRATORS

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			49 ¹
	1	81.52%	87.76%	107.65%		43
	2	3.63%	4.08%	112.40%		2
	3	6.18%	2.04%	33.01%	2	1
	4	8.59%	4.08%	47.50%	2	2
	5	0.08%	0.00%	0.00%		0
Females	Total	36.43%	46.94%	128.85%		23
Males	Total	63.57%	53.06%	83.47%		26
Ethnic Code	1 - White (Non-Hispanic) 2 - Black 3 - Hispanic 4 - Asian or Pacific Islander 5 - American Indian or Alaskan Native					

OCCUPATIONAL ACTIVITY FULL -TIME TECHNICAL/PARA PROFESSIONAL

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			340 ²
	1	75.43%	83.82%	111.12%		285
	2	2.94%	4.71%	160.20%		16
	3	4.98%	6.47%	129.92%		22
	4	16.61%	3.82%	23.00%	43	13
	5	0.04%	0.59%	1475.00%		2
Females	Total	52.43%	53.24%	101.54%		181
Males	Total	47.57%	46.76%	98.30%		159

¹One employee unknown/did not self-identify

²Two employees unknown/did not self-identify

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY FULL-TIME SECRETARIAL/CLERICAL

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			160 ³
	1	75.14%	78.75%	104.80%		126
	2	6.12%	5.00%	81.70%		8
	3	11.28%	8.13%	72.07%	5	13
	4	7.40%	6.25%	84.46%		10
	5	0.06%	0.63%	1050.00%		1
Females	Total	73.05%	93.13%	127.49%		149
Males	Total	26.95%	6.88%	25.53%		11
Ethnic Code	1 - White (Non-Hispanic) 2 - Black 3 - Hispanic 4 - Asian or Pacific Islander 5 - American Indian or Alaskan Native					

OCCUPATIONAL ACTIVITY FULL-TIME SKILLED CRAFT

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			41 ⁴
	1	78.34%	82.93%	105.86%		34
	2	2.36%	0.00%	0.00%	1	0
	3	15.59%	14.63%	93.84%		6
	4	3.50%	0.00%	0.00%	1	0
	5	0.21%	0.00%	0.00%		0
Females	Total	3.60%	7.32%	203.33%		3
Males	Total	96.40%	92.68%	96.14%		38

³ Two employees unknown/did not self-identify

⁴ One employee unknown/did not self-identify

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY FULL-TIME SERVICE/MAINTENANCE

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			81 ⁵
	1	60.68%	60.49%	99.69%		49
	2	5.49%	4.94%	89.98%		4
	3	26.07%	30.86%	118.37%		25
	4	7.62%	1.23%	16.14%	5	1
	5	0.14%	0.00%	0.00%		0
Females	Total	40.61%	40.74%	100.32%		33
Males	Total	59.39%	58.02%	97.69%		47
Ethnic Code	1 - White (Non-Hispanic) 2 - Black 3 - Hispanic 4 - Asian or Pacific Islander 5 - American Indian or Alaskan Native					

⁵ Two employees unknown/did not self-identify ethnic code; one employee did not self-identify gender

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY PART-TIME FACULTY/OTHER PROFESSIONALS

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			2628 ⁶
	1	78.47%	82.99%	105.76%		2181
	2	3.24%	4.19%	129.32%		110
	3	5.30%	4.03%	76.04%	33 ⁷	106
	4	12.93%	6.85%	52.98%	160 ⁸	180
	5	0.06%	0.23%	383.33%		6
Females	Total	45.96%	53.81%	117.08%		1414
Males	Total	54.04%	46.19%	85.47%		1214
Ethnic Code	1 - White (Non-Hispanic) 2 - Black 3 - Hispanic 4 - Asian or Pacific Islander 5 - American Indian or Alaskan Native					

⁶ This number reflects all Part-time faculty either active or inactive (employees removed from system when they have been inactive for twelve (12) months; Forty-Five (45) employees unknown/did not self-identify

^{7 8} When we apply the utilization analysis formula and derive goals, we do not track progress against these goals because Part-Time Faculty headcount includes both active and in-active employees.

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY PART-TIME TECHNICAL/PARA-PROFESSIONAL

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			109 ⁹
	1	75.43%	83.49%	110.69%		91
	2	2.94%	3.67%	124.83%		4
	3	4.98%	3.67%	73.69%	1	4
	4	16.61%	8.26%	49.73%	9	9
	5	0.04%	0.00%	0.00%		0
Females	Total	52.43%	64.22%	122.49%		70
Males	Total	47.57%	35.78%	75.22%		39
Ethnic Code	1 - White (Non-Hispanic) 2 - Black 3 - Hispanic 4 - Asian or Pacific Islander 5 - American Indian or Alaskan Native					

OCCUPATIONAL ACTIVITY PART-TIME SECRETARIAL/CLERICAL

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			219 ¹⁰
	1	75.14%	79.91%	106.35%		175
	2	6.12%	4.11%	67.16%	4	9
	3	11.28%	7.76%	68.79%	8	17
	4	7.40%	5.94%	80.27%	3	13
	5	0.06%	0.00%	0.00%		0
Females	Total	73.05%	78.54%	107.52%		172
Males	Total	26.95%	21.46%	79.63%		47

⁹ One employee unknown/did not self-identify

¹⁰ Five employee unknown/did not self-identify

UTILIZATION ANALYSIS

OCCUPATIONAL ACTIVITY PART-TIME SKILLED CRAFT/SERVICE/MAINTENANCE

Category	Ethnic Code	A Availability % 2006-2010 Census Data	B 2015 Our Work Force %	C 2015 % Utilization B/A	D 2016 Recruitment Goal #	E 2015 Our Work Force #
Both Sexes		100.00%	100.00%			40 ¹¹
	1	64.73%	55.00%	84.97%		22
	2	4.77%	5.00%	104.82%		2
	3	23.67%	22.50%	95.06%		9
	4	6.67%	15.00%	224.89%		6
	5	0.16%	0.00%	0.00%		0
Females	Total	32.13%	32.50%	101.15%		13
Males	Total	67.87%	67.50%	99.45%		27
Ethnic Code	1 - White (Non-Hispanic) 2 - Black 3 - Hispanic 4 - Asian or Pacific Islander 5 - American Indian or Alaskan Native					

¹¹ One employee unknown/did not self-identify

X. UTILIZATION REVIEW

The Utilization Review is prepared for each occupational activity where a recruitment goal was identified by the utilization analysis (under 80% utilization of a protected group). The review contains a restatement of the goal and timetable for the achievement of the goal.

Each goal is to be obtained by the recruitment of minorities for the applicant pool. By increased efforts to obtain minority applicants, we hope to increase the odds that a person from the under-utilized group will be chosen as the person most suitable for a given opening. The affirmative action plan is not a quota system, but a goal sought after through special efforts toward a target population.

Overall, the College utilizes the following methods to enhance minority recruitment:

- Has a designated Administrator as its Affirmative Action Officer.
- Targets advertising and recruiting efforts on diversity specific websites.
- Participates in selected diversity job fairs to draw minority applicants.
- Discusses and reinforces the need for minority recruitment with supervisors and search committees.
- Representatives of College of DuPage attend community based events.

Recruitment

Minority recruitment for full-time faculty, professionals and administrators is enhanced by the following plan:

- Encourage all faculty and administrators to network to identify qualified minorities and notify selection committee chairs of the application/referral.
- Monitor the status of applicant pools at each stage of the process for minority composition.
- Require Diversity Training for all search committees and all hiring managers and supervisors every three years.
- Human Resources will meet with each hiring committee. The objectives are to encourage the committee to include more minorities in its interview pools, encourage the acceptance of diversity, and discuss procedures and minority hiring goals at the first search committee meeting.

Goals

Occupational Activity – Full-Time Faculty

The long term goals for this category are seven (7) Hispanic Faculty and twenty-four (24) Asian/Pacific Islanders. We hope to add two (2) Hispanics and two (2) Asian/Pacific Islander Faculty members in 2016.

Occupational Activity – Full-Time Professional/Librarians, Counselors

The long term goals for this category are one (1) Hispanic and two (2) Asian/Pacific Islanders. We hope to add one (1) Hispanic and one (1) Asian/Pacific Islander Professional/Librarian/Counselor in 2016.

Occupational Activity - Administrators

The long term goals for this category are two (2) Hispanics and two (2) Asian/Pacific Islander Administrators. We hope to add one (1) Hispanic and one (1) Asian/Pacific Islander Administrators in 2016.

Occupational Activity – Full-Time Technical/Para-Professional

These positions are high level classified jobs. Our long term goal for this category is forty three (43) Asian/Pacific Islanders. We hope to add two (2) Asian/Pacific Islanders in 2016.

Occupational Activity – Full-Time Clerical/Secretarial

The long term goal for this category are five (5) Hispanic Clerical/Secretarial jobs. We hope to add two (2) Hispanic Clerical/Secretarial in 2016.

Occupational Activity – Full-Time Skilled Craft

The long term goals for this category are one (1) Black and one (1) Asian/Pacific Islander. We hope to add one (1) Black and one (1) Asian/Pacific Islander in 2016.

Occupational Activity – Full-Time Service/Maintenance

The long term goal for this category is five (5) Asian/Pacific Islanders. We hope to add two(2) Asian/Pacific Islander in 2016.

XI. FULL-TIME EMPLOYMENT ACTIVITY

The following is a summary of hiring activity provided for an indication of progress toward affirmative action goals.

Numbers shown are short term hiring goals for the reporting year and the actual hires in that reporting year

<u>Category</u>	2013-2014		2014-2015		2016
	<u>Annual Goal</u>	<u>Annual Actual</u>	<u>Annual Goal</u>	<u>Annual Actual</u>	<u>Short Term Annual Goal</u>
Faculty					
Female	0	1	0	11	
Black	0	0	0	4	
Hispanic	1	0	2	1	2
Asian/Pacific Islander	1	3	2	2	2
American Indian/Alaskan Native	0	0	0	1	
Full-Time Professional					
Female	0	0	0	0	
Black	0	0	0	0	
Hispanic	1	0	1	0	1
Asian/Pacific Islander	1	0	1	0	1
American Indian/Alaskan Native	0	0	0	0	
Administrator					
Female	0	0	0	3	
Black	0	1	0	0	
Hispanic	1	0	1	0	1
Asian/Pacific Islander	0	0	1	0	1
American Indian/Alaskan Native	0	0	0	0	
Technical/Para-Professional					
Female	0	9	0	27	
Black	0	1	0	5	
Hispanic	0	1	0	5	
Asian/Pacific Islander	1	2	2	2	2
American Indian/Alaskan Native	0	0	0	0	
Secretarial/Clerical					
Female	0	0	0	24	
Black	0	0	0	0	
Hispanic	0	4	1	2	2
Asian/Pacific Islander	0	0	0	2	
American Indian/Alaskan Native	0	0	0	0	
Skilled Craft					
Female	0	0	0	0	
Black	1	0	1	0	1
Hispanic	0	0	0	0	
Asian/Pacific Islander	1	0	1	0	1
American Indian/Alaskan Native	0	0	0	0	
Service Maintenance					
Female	0	4	0	3	
Black	0	0	0	0	
Hispanic	0	0	0	2	
Asian/Pacific Islander	1	0	1	0	2
American Indian/Alaskan Native	0	0	0	0	
	9	26	14	94	16

FULL-TIME EMPLOYMENT ACTIVITY

Numbers shown are the long-term hiring goals and the actual hires in that reporting year

	2012-2013		2013-2014		2014-2015		2016
Category	<u>Goal</u>	<u>Actual</u>	<u>Goal</u>	<u>Actual</u>	<u>Goal</u>	<u>Actual</u>	<u>Long-Term Goal</u>
Faculty							
Female	0	0	0	1	0	11	
Black	0	1	0	0	0	4	
Hispanic	4	1	3	0	7	1	7
Asian/Pacific Islander	16	0	16	3	23	2	24
American Indian/Alaskan Native	0	0	0	0	0	1	
Full-Time Professional							
Female	0	0	0	0	0	0	
Black	0	0	0	0	0	0	
Hispanic	1	0	1	0	1	0	1
Asian/Pacific Islander	2	0	2	0	2	0	2
American Indian/Alaskan Native	0	0	0	0	0	0	
Administrator							
Female	0	0	0	0	0	3	
Black	0	0	0	1	0	0	
Hispanic	2	1	1	0	2	0	2
Asian/Pacific Islander	0	0	0	0	2	0	2
American Indian/Alaskan Native	0	0	0	0	0	0	
Technical/Para-Professional							
Female	0	5	0	9	0	27	
Black	0	1	0	1	0	5	
Hispanic	0	2	0	1	0	5	
Asian/Pacific Islander	19	2	19	2	38	2	43
American Indian/Alaskan Native	0	0	0	0	0	0	
Secretarial/Clerical							
Female	0	5	0	0	0	24	
Black	0	3	0	0	0	0	
Hispanic	2	1	0	4	4	2	5
Asian/Pacific Islander	0	0	0	0	0	2	
American Indian/Alaskan Native	0	0	0	0	0	0	
Skilled Craft							
Female	0	1	0	0	0	0	
Black	1	0	1	1	1	0	1
Hispanic	0	1	0	0	0	0	
Asian/Pacific Islander	1	0	1	1	1	0	1
American Indian/Alaskan Native	0	0	0	0	0	0	
Service Maintenance							
Female	0	3	0	4	0	3	
Black	0	0	0	0	0	0	
Hispanic	0	0	0	0	0	2	
Asian/Pacific Islander	5	0	4	0	3	0	5
American Indian/Alaskan Native	0	0	0	0	0	0	
TOTAL GOALS	53	27	48	26	84	94	93

XII. SUMMARY OF CURRENT YEAR RECRUITMENT VERSUS GOALS

Last year's Affirmative Action Plan set hiring goals for the 2014-2015 plan year for Faculty, Professionals, Administrators, Technical/Para-Professionals, Secretarial/Clerical, Skilled Craft, and Service Maintenance employees. The short term goal was a total of fourteen (14) targeted minority hires. This past reporting year, we were successful in hiring minority candidates in five of our targeted job categories. Of all hires made in 2014-2015, ninety-four (94) were women and minorities.

XIII. RECENT INITIATIVES

The College of DuPage, the Board of Trustees and all the employee constituency groups, are committed to the idea of diversity as a broader concept than ethnicity, race, and gender. At the College, we strive to take diversity beyond legal mandates and become an environment that is inclusive of all groups, maximizing the potential of all students and employees, and value the variety of perspectives that everyone brings to the College. This commitment to diversity is consistent with the shared ethical values of integrity, honesty, respect and responsibility adopted by the College as the guide from which we interact with each other.

The traditional policies, programs, and legal mandates of Equal Employment Opportunity (EEO) and Affirmative Action (AA) continues to be an important step to achieving diversity in the workplace. The College makes a number of efforts to attract minority applicants that include diversity focused advertisements as well as providing diversity training for screening committee members and hiring managers.

In 2015/2016 we continued to strengthen our diversity efforts thru the following initiatives:

- Attended job fairs focusing on minority and veteran recruitment including: the Illinois State Hispanic Employees Association Job Expo and the Indo American Community Services job fairs.
- Created and provided customer focused diversity training available to all college departments.
- Developed a minority focused advertising calendar including a targeted focus on faculty diversity advertising sources.
- To increase a specific position's applicant pool diversity, we utilize specific diversity targeted emails to broaden the potential applicants.
- Continue to target advertising on diversity websites to attract minority applicants. Such websites include:
 - AsiansInHigherEd.com
 - DiverseEducation.com
 - JBHE.com (Journal of Blacks in Higher Ed)
 - LatinosInHigherEd.com
 - MinorityNurse.com
 - DiversityJobs.com
 - DiversityInc.com
- Provided recognition to College of DuPage employee Veterans.
- College of DuPage continues to co-sponsor the Martin Luther King, Celebrating Diversity breakfast.

In 2014/2015 we continued to strengthen our diversity efforts thru the following initiatives:

- Expanded our Diversity Training requirements to include all Supervisors/Managers, repeating the course every three years.
- Vice President of Human Resources attended the Society of Human Resources Management (SHRM) Diversity Conference.
- Attended job fairs focusing on minority and veteran recruitment, including: the NAACP, Recruit Military, and Indo American Community Services job fairs.
- Continue to target advertising on diversity websites to attract minority applicants. Such websites include:
 - AsiansInHigherEd.com
 - DiverseEducation.com
 - JBHE.com (Journal of Blacks in Higher Ed)
 - LatinosInHigherEd.com
 - MinorityNurse.com
 - DiversityJobs.com
 - DiversityInc.com
- Developed new outreach programs with local veteran and minority recruitment focused organizations, including, Marines for Life and the Quad County Urban League.
- Reconstituted the College's Affirmative Action Committee.
- Revised Board Procedure 15-45 which will assist the College in removing barriers in minority recruitment.
- Provided recognition to College of DuPage employee Veterans.
- College of DuPage continues to co-sponsor the Martin Luther King, Celebrating Diversity breakfast.

In 2013/2014, we continued to strengthen our diversity efforts thru the following initiatives:

- Diversity training was extended to include all hiring managers and supervisors.
- Continued advertising and focused recruiting efforts on diversity websites including:
 - AsiansInHigherEd.com
 - Careerbuilder.com
 - DiverseEducation.com
 - Diversityinc.com
 - JBHE.com (Journal of Blacks in Higher Ed)
 - LatinosInHigherEd.com
- Created a new position to focus on African American student diversity and inclusion.
- Provided recognition to College of DuPage employee Veterans.
- Researched and created a benchmark report of diversity programs at other area community colleges.
- Vice President of Human Resources attended a Diversity conference at Moraine Valley.
- College of DuPage continues to co-sponsor the Martin Luther King, Celebrating Diversity breakfast.
- Attended the NAACP job fair and the Annual Diversity Employment Day Career Fair for the City of Chicago.

In 2012/2013, we continued to strengthen our diversity efforts thru the following initiatives:

- Diversity Training became available on-line for easy accessibility.
- Representatives of COD attended the NAACP job fair.
- Created recognition program for COD Veterans.

- Continued improvements in diversity efforts to include the Veteran Workforce.

In 2011/2012, we continued to strengthen our diversity efforts thru the following initiatives:

- Rolled out two diversity training classes for new search committee members developed and facilitated by an outside consultant.
- Created a Shared Governance Diversity Committee to bring diversity awareness and to promote diversity initiatives throughout the College. This committee consisted of representation from each of the College groups.
- Attended three Diversity Job Fairs in order to draw diversity candidates to the College.
- Hosted our own Diversity Employment Job Fair to draw diversity candidates to apply for our open positions with emphasis on open Full-Time Faculty positions.
- Advertised our open positions on multiple diversity advertisement sites and entered into an advertisement agreement with Diverse Education providing COD the benefit of posting our positions on this diversity advertisement resource specifically targeted to Education.

In 2010, we offered Safe Zone as a credit course on diversity and began the following initiatives to strengthen our diversity efforts:

- There were two forms of piloted diversity training classes rolled out to search committee members in order to enhance our diversity training initiative. Training consisted of an outside consultant facilitating a large diversity class on campus and another class consisted of utilizing Human Resources and Faculty facilitators.
- We began exploring additional advertisement strategies above and beyond our normal diversity advertisement sources in order to proactively advertise our positions to diversity candidates.

In 2009, two initiatives were implemented to strengthen our diversity efforts.

- All screening committee members were required to complete six hours of diversity training offered and monitored by HR & TLC. Hiring process did not commence until all committee members had completed training.
- Established two Presidential Commissions, one Hispanic and one Asian and refocused resources and job responsibilities towards the enrollment and retention of Hispanic and Asian population.

XIV. Board Policies & Administrative Procedures



COLLEGE OF DUPAGE

Policy Manual of the Board of Trustees

Human Resources - General

Policy No. 15-5

Equal Employment Opportunity and Affirmative Action

Consistent with federal and state law, the Board of Trustees will facilitate through the Affirmative Action Officer equal employment opportunities to all persons regardless of their race, color, religion or creed, sex, national origin, ancestry, age, marital status, sexual orientation, gender identity and expression, arrest record, military status or unfavorable discharge from military service, citizenship status, use of lawful products while not at work, physical or mental handicap or disability (if otherwise able to perform the essential functions of the job with reasonable accommodation), or other factors which cannot lawfully be the basis for an employment decision.

The term "employment opportunities" includes hiring, promotion, termination, wages, benefits, and all other privileges, terms, and conditions of employment.

In accordance with federal law, the College will maintain a written Affirmative Action Program to implement and maintain the policy of equal opportunity through positive efforts.

Adopted: 3/19/09

Reviewed: 3/10/14

Amended: 8/20/09, 4/17/14



Equal Employment Opportunity and Affirmative Action

1. Definitions

For purposes of this policy, the government has set forth the following definitions:

- A. *Ethnicity* – Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.
- B. *Race*:
 - 1) White (Non-Hispanic) – All persons having origins in any of the original peoples of Europe, North America, and the Middle East (except those of Hispanic origin).
 - 2) Black (Non-Hispanic) – All persons having origins in any of the black racial groups of Africa.
 - 3) Asian or Pacific Islanders – All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.
 - 4) American Indian or Alaskan Native – All persons having origins in any of the original peoples of North America.
- C. *Color* – A person's skin pigmentation.
- D. *Religion* – Includes all aspects of religious observance and practice as well as belief or non-belief.
- E. *Creed* – A system of religious beliefs, including moral or ethical beliefs, about right and wrong, which are sincerely held with the strength of traditional religious views.
- F. *National Origin/Ancestry* – The place in which a person or an ancestor was born.
- G. *Sex* – The status of being male or female.
- H. *Age* – Those individuals who are at least forty (40) years old.
- I. *Marital Status* – The legal status of being married, single, separated, divorced or widowed.
- J. *Sexual Orientation* – Actual or perceived status of heterosexuality, homosexuality or bisexuality.
- K. *Gender Identity or Gender Expression* – Gender related identity, whether or not traditionally associated with the person's designated sex at birth.
- L. *Arrest Record* – Includes, but is not limited to, information indicating that an individual has been questioned, apprehended, taken into custody, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.

- M. *Unfavorable Military Discharge* – Discharge from the Armed Forces of the United States, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3, or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".
- N. *Citizenship Status* – All United States citizens or non-U.S. citizens legally eligible to work in the United States.
- O. *Use of Lawful Products while not at Work* – The Illinois Workplace Privacy Act of 1986 prohibits an employer from discriminating against an applicant because of their use of lawful products off the employer's premises during non-working hours (for example, cigarettes).
- P. *Disability* – An individual with a disability is one who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment.

2. Dissemination of Equal Employment Opportunity (EEO) and Affirmative Action Policy Statement and Program

The effectiveness of a Policy is directly related to the degree to which it is known and understood by all. In order to ensure the effectiveness of the College of DuPage Equal Employment Opportunity (EEO) and Affirmative Action Board Policy and Administrative Procedure, the following steps have been taken, and will be continued, to bring about the desired increase in understanding and, hence, results.

A. Internally:

- 1) The measurable results of the Affirmative Action efforts will be compiled annually, and the Affirmative Action Plan will be updated at that time. All members of the Affirmative Action Committee will receive a copy of the plan, and the plan will be easily available to others who may review it upon request.
- 2) The Equal Employment Opportunity/Affirmative Action Employer Policy Statement will be included in all College employee guidebooks.
- 3) Each new employee will be provided with a statement of the College's Equal Employment Opportunity (EEO) and Affirmative Action Board Policy.
- 4) This Statement of Policy will be communicated to all employees through College publications, access on the College website and by posting on prominent bulletin boards throughout the College campus.
- 5) The Affirmative Action Committee: The charge of this committee is to advise the Affirmative Action Officer in the performance of the responsibilities of Board Policy and Administrative Procedure 15-05. The Committee will review the Affirmative Action Plan and make recommendations to the Senior Management Team as appropriate. A chairperson will be elected by the Affirmative Action Committee and periodic meetings will be held.

B. Externally:

- 1) The College will notify its recruiting sources, either verbally or in writing, of the College's Equal Employment Opportunity (EEO) and Affirmative Action Board Policy.
- 2) The College will incorporate the EEO clause in all purchase orders, leases, bids and contracts covered by Executive Orders 11246 and 11375, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Act of 1974, and their implementing regulations. The College will also request that appropriate action be taken on their part in compliance with these acts.

- 3) The College will communicate its EEO Board Policy when working with any organizations, community agencies, community leaders, and educational institutions which specialize in the placement of minorities, women, Vietnam era or disabled veterans, and other individuals with disabilities. Present employees will also be encouraged to refer such applicants.
- 4) The College will communicate to prospective employees the existence of the Equal Employment Opportunity (EEO) and Affirmative Action Board Policy through the Equal Employment Opportunity/Affirmative Action Employer Policy Statement on all recruitment advertising and applications for employment.
- 5) The College will frequently use pictures of minorities, women and individuals with disabilities in its publications, recruitment and consumer advertising.
- 6) All government-prescribed notices pertaining to the employment of minorities, women, Vietnam era or disabled veterans, and other individuals with disabilities will be posted in places visible to employees and applicants for employment.
- 7) The College will post open position announcements on the College's online applicant tracking system.

3. Assignment of Responsibility

- A. The Affirmative Action Officer – The responsibilities for the establishment and effective maintenance of the Affirmative Action Program rest with the Affirmative Action Officer, who is the Vice President of Human Resources. The Officer is charged with the responsibility of assuring the compliance with Equal Employment Opportunity and Affirmative Action laws, Executive Orders and their implementing regulations, and the Equal Employment Opportunity (EEO) and Affirmative Action Board Policy of College of DuPage and reporting said compliance to the College President. In particular, the Affirmative Action Officer, or designee is responsible for:
 - 1) Developing Policy statements, Affirmative Action programs, and internal and external communications.
 - 2) Assisting management in the identification of opportunities for improvement.
 - 3) Assisting management with audit and reporting systems that will:
 - a) Measure effectiveness of the College's program.
 - b) Indicate need for appropriate action.
 - c) Determine the degree to which the College's commitment to Equal Employment Opportunity and Affirmative Action has been attained.
 - 4) Serving as primary liaison between the College and enforcement agencies.
 - 5) Coordinating liaison between community action groups concerned with employment opportunities of minorities, women, veterans and individuals with disabilities.
 - 6) Advising management with respect to current developments in the Equal Employment Opportunity and Affirmative Action area.
 - 7) Reviewing the qualifications of employees who apply for internal opportunities to ensure that all are provided opportunity for transfer and promotion.
 - 8) Providing for career counseling services for all employees upon request.

- 9) Providing minorities, women, veterans and individuals with disabilities opportunities to participate in all College-sponsored educational training and recreational and social activities.
- 10) Ensuring that posters and Board Policies are properly displayed and that non-segregated facilities are maintained.

B. Administrators, Managers and Supervisors are responsible for:

- 1) Ensuring the continued success of the Affirmative Action plans. Specifically, they are aware of such responsibility and fully cognizant of their obligation in hiring activities including, but not limited to, compliance with Board Policy 10-5, Equal Employment Opportunity and Affirmative Action, Board Policy 15-10, Prohibition of Discrimination and Harassment and Board Policy 15-11, Prohibition of Sexual Harassment.
- 2) Assisting in the identification of problem areas, the resolution of such problems and the prevention of harassment of employees who are placed by Affirmative Action efforts.

C. Audit Procedure

The President will direct the Director, Internal Audit to perform an audit every two (2) years to assess the progress toward meeting the goals of the Affirmative Action Plan.

4. Program Implementation

In order to implement the Equal Employment Opportunity (EEO) and Affirmative Action Board Policy, the following will be accomplished:

- A. College of DuPage will establish and annually update an Affirmative Action Program to perform job group analyses in order to determine the utilization levels of minorities and females.

On the basis of the utilization analysis, corrective objectives will be established and monitored on an annual basis.

- B. With respect to Affirmative Action on behalf of individuals with disabilities and disabled veterans, College of DuPage will ensure the following:

- 1) That job qualifications, descriptions and applications will not violate the ADA.
- 2) That confidentiality of any post-offer and/or post-employment medical examinations will be maintained, and that all reports and records received from such examination will be placed in a confidential medical file. Because an employee's supervisor, manager and/or safety personnel may need to know about an employee's medical condition and the work restrictions thereof, such individuals may be advised of an employee's medical condition consistent with the ADA.
- 3) That the availability of position openings for hiring, promotion and transfer are posted and advertised in a way that is not discriminatory against individuals with disabilities in accordance with the ADA.
- 4) That reasonable accommodations are made which are necessary to enable a qualified applicant or employee to perform the essential functions of the position. The College is not obligated to provide an accommodation which would impose an undue hardship upon the College in accordance with the ADA. The College will document in an employee's medical file any accommodation undertaken due to an employee's disability.
- 5) That the College considers recruiting sources of veterans and individuals with disabilities within the labor area, and enlist, if needed, the assistance of those sources in recruiting,

counseling following job placement, technical guidance and advice concerning accommodations.

- 6) That the compensation of an individual with a disability or a veteran will not be reduced because of any disability income, pension or other benefit from another source.
- 7) That the College will post notice of the employment provisions of the ADA, along with the name and telephone number of the Employment ADA Coordinator, in a place accessible to individuals with disabilities.

5. Corrective Action

Where any individual believes that the College of DuPage Equal Employment Opportunity (EEO) and Affirmative Action Board Policy has been violated, including any request for reasonable accommodation of a disability, that individual should refer such matter to the College's Affirmative Action Officer/Employment ADA Coordinator.

Upon receipt of such complaint, the complaint will be reduced to writing and an immediate investigation will be made into the allegations. If the complainant is an applicant for employment, the Affirmative Action Officer/Employment ADA Coordinator's decision regarding the complaint will be final. If the complainant is a current employee and is unsatisfied with the decision of the Affirmative Action Officer/Employment ADA Coordinator, the complainant may appeal the decision through the College's appropriate internal procedure.

6. Reports and Records

- A. The College online application will be utilized. Applications will be maintained for a period of at least two (2) years.
- B. Personnel activity reports will contain provisions to monitor the participation of minorities, women, and veterans.
- C. The Affirmative Action Officer will submit an Affirmative Action Plan to the President on an annual basis, which will include an affirmative action progress report.
- D. The College will maintain records pertaining to complaints of discrimination and actions taken thereof for a period of at least two (2) years.

7. Hiring Practices: Managerial and Classified Staff, FOP and Operating Engineers

A. Recruitment and Selection Processes:

- 1) Replacement and reallocation of staff positions is within the authority of the President or designee.
- 2) Hiring needs for the coming year, identified by the Senior Management Team, will be forwarded to the President for discussion if there is a proposed increase in the level of staffing.
- 3) Notices of open positions are posted on the College website.
- 4) The College will ensure that the applicant pool and selection procedures comply with the College's commitment to Equal Employment Opportunity (EEO) and Affirmative Action.
- 5) Internal Applications – College of DuPage employees will be given first consideration for new opportunities. Positions may be posted internally and externally concurrently, but only internal candidates will be considered for the first seven (7) working days.
- 6) External Advertisements - External applications received during the initial seven (7) day job posting will be held for consideration until the internal consideration process is

complete. If no internal applicant is selected at that time, the hiring manager will place the internal applications with those of external applications for consideration.

- 7) Advertisements – The Human Resources Office will advertise vacancies internally and externally, including advertising vehicles such as: websites, specialty websites, periodicals, trade journals, social networking sites or other appropriate candidate sourcing opportunities. Sourcing vehicles targeting diverse candidates will be utilized. The Human Resources Office will determine the placement and type of advertisements with input from Administrators and Managers as appropriate. Lead time must be allowed to place advertisements. Equal Employment Opportunity (EEO) will be made a part of all advertisements by listing “Equal Opportunity/Affirmative Action Employer”.
- 8) Applicant Screening – The Human Resources Office screens all applications and forwards those meeting minimum requirements to the hiring manager. A good-faith effort will be made to include minority candidates in the applicant pool. The hiring manager reviews the applications, selects candidates for interview and checks references.
- 9) *A deadline **may** be set when each position will be closed for applications. If so established, a time limit will be arranged with the Human Resources Office.*
- 10) Search Committees – Some positions are screened by committees as determined by the department head. Selection of the search committee members is the responsibility of the department head. If a search committee is used, the department head makes the final selection from the search committee’s recommended candidates.
- 11) Once a candidate has been selected, the hiring manager will submit a letter to the Human Resources Office summarizing the reasons for the recommended candidate, along with the request for salary determination.
- 12) Unsuccessful Applicants – All unsuccessful applicants are notified verbally or with letters of regret from the hiring manager, or from the Human Resources Office.
- 13) Advertising Costs – All advertising costs will be charged to the Human Resources Office budget. Every attempt will be made to be economical; i.e., placing several positions in one advertisement, etc. If a sufficient pool of qualified potential applicants is available from existing applications, it may not be necessary to advertise.
- 14) Candidate Expenses – The type and amount of expenses, transportation, etc., that will be reimbursed to candidates must be discussed with and approved by the Human Resources Office prior to advising the candidates. Approved expenses will be charged to the Human Resources Office budget.

Guidelines for travel expenses for prospective candidates will be consistent with Board Policy and Administrative Procedure 15-55. Reimbursement of Travel Expenses for Prospective Candidates. Exceptions to this may be recommended by the appropriate supervisor, with final approval by the Vice President of Human Resources.

- 15) Relocation Expenses - Reimbursement of relocation moving expenses for Managerial and Classified employees in the top three (3) published pay ranges will be consistent with Board Policy and Administrative Procedure 15-60, Reimbursement of Moving Expenses for New Employees. Exceptions to this may be recommended by the appropriate supervisor, with final approval by the Vice President of Human Resources.

8. Hiring Practices: Full-Time Faculty and Administrators

A. Recruitment

- 1) Administrators recommend desired staff additions for the year to their appropriate Vice President and to the President for approval.
- 2) Replacement positions are identified by the Senior Management Team for staffing. Employees on a one (1) year appointment as a replacement must re-apply if the position is subsequently opened as a regular position, and if they wish to be considered.
- 3) Hiring needs for the coming year, identified by the Senior Management Team, will be forwarded to the President for discussion if there is a proposed increase in the level of staffing.
- 4) Replacement and reallocation of Faculty and Administrator positions is within the authority of the President or designee.
- 5) The Human Resources Office will advertise vacancies internally and externally concurrently, and College of DuPage employees will be given first consideration for the first seven (7) days. The appropriate Administrator will send the Human Resources Office the qualifications necessary for staff additions, including suggested advertising mechanisms. A deadline **may** be set when each position will be closed for applications. If so established, a time limit will be arranged with the Human Resources Office.
- 6) Advertising vehicles such as: websites, specialty websites, periodicals, trade journals, social networking sites or other appropriate candidate sourcing opportunities will be utilized, including sourcing mechanisms targeting diverse candidates. The Human Resources Office will determine the placement and type of advertisements with input from Administrators, as appropriate. Lead time must be allowed to place advertisements. Equal Employment Opportunity (EEO) will be made a part of all advertisements by listing "Equal Opportunity/Affirmative Action Employer".
- 7) The College will ensure that the applicant pool and selection procedures comply with the College's commitment to Equal Employment Opportunity (EEO) and Affirmative Action.
 - a) Candidates who previously applied for open positions may apply again as new positions become available.
 - b) The online application provides applicants the opportunity to voluntarily self-identify Affirmative Action information.
- 8) Applications are sought on a national basis, when deemed necessary.

B. Selection

- 1) For administrator positions, screening of eligible candidates will be carried out by Search Committees appointed by the Senior Management Team member or designee. Search Committees for Full-time Faculty will be appointed by the Vice President of Academic Affairs or designee, and may include: Dean, Associate Dean/Director, the Coordinator, Faculty, and/or other professional personnel with the expertise in areas related to the respective discipline/department. The Associate Dean/Director, in most instances, will chair Search Committees for Full-time Faculty.
 - a) If the loss or dismissal of a current employee necessitates the hiring of a full-time replacement faculty or administrator, an interim appointment may be made to fill the post while a formal candidate search and review is planned and performed. Such an interim appointment will generally last one (1) academic term and will not extend more than one (1) academic year, unless approved by the Vice President of Human Resources.

- 2) A good-faith effort will be made to include qualified diverse individuals in the applicant pool.
- 3) Finalists recommended for employment as Administrators will be interviewed by the appropriate Senior Management Team member, and references of any recommended finalist will be verified.
- 4) Finalists recommended for employment as a Full-time Faculty member will be forwarded to the Vice President of Academic Affairs.
- 5) The Vice President of Academic Affairs or designee will interview the finalists for Full-time Faculty members..
- 6) Applications of recommended candidates must reach the Human Resources Office in accordance with established guidelines for the next Board of Trustees Meeting.
- 7) Candidates for administrative positions below the Vice Presidential level, and candidates for Full-time Faculty positions, will be screened by the proper administrative personnel.
- 8) Once a candidate has been selected, the hiring administrator will submit a letter to the Human Resources Office summarizing the reasons for the recommended candidate, along with the request for salary determination.
- 9) The names of the final candidates will be presented by the President to the Board of Trustees for appointment.
- 10) The Human Resources Office will provide support to the Dean/Director or department head to inform unsuccessful candidates.

C. Appointment

- 1) In the case of selected candidates, the Human Resources Office will:
 - a) Obtain official transcripts and other necessary documents from the candidate.
 - b) Prepare evaluations for salary placement.
 - c) Verify that reference checks have been made by the appropriate administrator or designee.
- 2) Upon acceptance by the candidate, the Human Resources Office will prepare:
 - a) A "Recommendation for Appointment" sheet for each selected candidate.
 - b) A composite information sheet will be submitted to the Office of the President, and thereafter to the Board of Trustees, for all Faculty and Administrators who will be considered for appointment at a given Board of Trustees Meeting. This information sheet will contain information regarding salary placement and a summary of education and experience.
- 3) Upon appointment by the Board of Trustees, the Human Resources Office will:
 - a) Prepare a "Letter of Appointment" to be signed by the President.
 - b) Inform the candidates and the appropriate Administrators of the action of the Board of Trustees.
- 4) In the case of candidates not selected, the Human Resources Office or the Chair of the Search Committee will:
 - a) Inform the candidates of the status of their applications.

- b) Maintain a record of all candidates in the online applicant tracking system for at least two (2) years.
- D. Advertising Costs – All advertising costs will be charged to the Human Resources Office budget. Every attempt will be made to be economical; i.e., placing several positions in one advertisement, etc. If a sufficient pool of qualified potential applicants is available from existing applications, it may not be necessary to advertise.
- E. Candidate Expenses – The type and amount of expenses, transportation, etc., that will be reimbursed to candidates must be discussed with and approved by the Human Resources Office prior to advising the final candidates. Approved expenses will be charged to the Human Resources Office budget.
- Guidelines for travel expenses for prospective candidates will be consistent with Board Policy and Administrative Procedure 15-55, Reimbursement of Travel Expenses for Prospective Candidates. Exceptions to this may be recommended by the appropriate supervisor, with final approval resting with the Vice President of Human Resources.
- F. Relocation Expenses – Reimbursement of relocation moving expenses for Full-time, Tenure Track Faculty members and full-time Administrators will be consistent with Board Policy and Administrative Procedure 15-60, Reimbursement of Moving Expenses for New Employees. Exceptions to this may be recommended by the appropriate supervisor, with final approval resting with the Vice President of Human Resources.

Adopted: 10/01/09	Reviewed: 5/14/14	Amended:6/16/14
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Background Screening

The Board of Trustees seeks to ensure that individuals who join the College of DuPage workforce or are promoted to positions with certain responsibilities within the College are qualified for the positions for which they have applied and have accurately presented their qualifications during the hiring process. This Policy also ensures that the College is exercising reasonable care in selecting its employees to promote a safe and productive educational environment and workplace.

College of DuPage will follow the *Illinois Campus Security Enhancement Act* of 2008 requiring background checks for specific security sensitive positions.

For all positions, the hiring manager or his/her designee is responsible for checking professional references prior to an offer being extended. Any questions regarding whether references are satisfactory should be discussed with Human Resources. All offers of employment (including internal transfers and promotions) may be contingent upon complete and satisfactory findings of all applicable background checks. Background checks may include: social security number search, previous employers, sex offender registry, credit report, criminal records search, verification of academic credentials, driver's license and driving record check, verification of occupational and professional licenses, or a drug/alcohol check.

The results of all applicable background checks should be received and evaluated before an offer of employment is made to an applicant. In urgent situations, requiring a rapid employment action and with the approval of the appropriate Dean or Director, an individual may begin to work contingent upon a pending successful completion of the background checks, provided that professional references have been checked.

Adopted: 3/19/09	Reviewed:	Amended:
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Background Screening

1. Background Checks

In accordance with the Job Opportunities for Qualified Applicants Act, the College will inquire into the criminal history of an applicant after he/she has been chosen for an interview. An interview is defined, but not limited to, the following: telephone; in-person, skype, video, etc. The College reviews conviction records of all candidates who are selected to fill positions. The background check will occur after a conditional offer has been made by the hiring authority and accepted by the candidate. No selected candidate may commence any work for the College until the Vice President of Human Resources or designee from the Human Resources Office has confirmed that a satisfactory background report has been received. This requirement applies to persons who are candidates for benefited full-time positions and for any designated part-time and student worker positions. If the person who has received a conditional job offer does not receive a satisfactory background report, the job offer will be withdrawn and the candidate may not be hired into the position.

Current employees who transfer into one of the following departments are subject to background checks:

Buildings & Grounds	Finance Office	Regional Centers
Cashier's Office	Horticulture	Registration
Child Care*	Information Technology	Theatre Arts Box Office
Custodial Operations	Mail Room	Warehouse
Engineering	Police Department**	Youth Services
SLEA	Records	Financial Assistance

Additional departments or positions may be added as needed to protect College property, employees and information.

All final candidates being considered for positions requiring background checks will complete the Authorization to Release Information Form at the time of the offer of employment. The prospective employee may not begin working in the position until the investigation has been completed and the review is considered to be satisfactory.

The College may use an external agency to collect any information and/or to do all, or part of, the background check. If the College uses an external agency to conduct the search, the College will comply with the federal Fair Credit Reporting Act.

*Background checks for child care employees are performed by the Department of Children and Family Services (DCFS); not by the College.

**Background checks for law enforcement staff are requested through the LEADS system accessed by the College of DuPage Police Department.

If the background check does identify any conviction(s), the Vice President of Human Resources or designee will discuss with the hiring manager whether the candidate is eligible to be hired. This review will be individualized based upon specific circumstances at issue, which may include but are not limited to the specifics of the position, the nature and severity of the offense, the date of the offense, subsequent employment history, and whether the conviction was or should have been disclosed in the hiring process.

For the purposes of this Board Policy and Administration Procedure, the term “conviction” will be interpreted consistent with applicable federal and state laws.

The Human Resources Office will consult with the College of DuPage Police Department for interpretation of any criminal record relevant to the position.

2. Applicant Drug Testing

The final candidate for any benefited, full-time position at College of DuPage will be required to be drug tested by a College-designated lab or health facility as a condition of employment at the College. The drug test will occur after a conditional offer has been made by the hiring authority and accepted by the candidate. All records pertaining to the drug test will remain confidential and will not be provided to other employees or agencies without the written permission of the person whose records are sought.

No selected candidate may commence any work for the College until the Human Resources designee has confirmed that the candidate has received a negative result on the test. If the test is positive, the candidate may request a retest within three (3) days of receipt of notice of the positive result. The retesting will be at the candidate’s expense. If the second test produces a negative result, the candidate will be reimbursed the cost of the second test. If the final candidate refuses to submit to the required drug test, or if the candidate has received confirmation of a positive drug test indicating drug use that is prohibited, then the job offer will be withdrawn and the candidate will not be hired.

Current College of DuPage employees may be required to be drug tested if transferring to another position within the College.

3. Summary

Employment applications will include notification to applicants that they are required to authorize College of DuPage to request background checks and conduct drug testing. The College will only inquire into the criminal history of an applicant after he/she has been chosen for an interview. The background check will commence after a conditional offer has been made by the hiring authority and accepted by the candidate.

Failure to make full disclosure, or to falsify an employment application, will be reason to deny employment or may result in termination if employment has commenced.

A candidate for a position who is not hired because the College received an unsatisfactory background report may request a copy of the report for his/her personal review. A candidate who believes his/her background information or drug test is not correct will not be eligible for hire or appointment to a position with the College until the official records utilized by the College confirms the correction to the information. The College will not hold a position, or an offer, open to allow such a candidate to correct his/her record.

If the results from the background check or the drug test indicate that the candidate's record is unacceptable for the position, the candidate will be rejected prior to the start date.

If the background check and the drug test are satisfactory, the Human Resources Office will notify the hiring manager. The hiring process may be completed at this point, thereby lifting the conditional nature of the offer of employment.

The Vice President of Human Resources or designee will have final determination of hire for a candidate whose background check or drug test is unsatisfactory.

Adopted: 10/01/09	Reviewed: 10/22/13, 11/10/14	Amended: 11/22/13, 12/22/14
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Prohibition of Discrimination and Harassment

No student, employee, Board member, or visitor will discriminate against or harass a student, employee or visitor on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity and expression or any other unlawful basis. The College will not tolerate discrimination or harassment.

Individuals found to have violated this policy will be subject to disciplinary action up to and including termination and/or expulsion from the College as determined by such administrative or Board action as is required by Illinois law or by Board policy. Individuals who retaliate against any employee for filing a complaint or participating in a harassment investigation shall be subject to disciplinary action.

The College will maintain and publish a complaint process consistent with this Policy.

Refer to Board Policy 15-11 (Prohibition of Sexual Discrimination, Harassment and Misconduct); Board Policy 20-5 (Non-Discrimination Policy); and Board Policy 20-35 (Code of Student Conduct).

Adopted: 4/16/09 Rescinded: 5/04/09 Adopted: 12/10/09	Reviewed: 3/10/14	Amended: 4/17/14, 2/19/15
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Prohibition of Sexual Discrimination, Harassment and Misconduct

I. Purpose

The College of DuPage is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity.

Sex discrimination includes sexual harassment, sexual misconduct and sexual violence. It is the policy of the College that no staff member, student or other members of the College community shall be subject to sexual discrimination, harassment or misconduct.

Individuals found to have violated this policy will be subject to disciplinary action up to and including termination and/or expulsion from the College as determined by such administrative or Board action as is required by law, Board policy and procedure, and/or collective bargaining agreement.

II. Jurisdiction

This policy applies to students, faculty, staff, appointees, or third parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

A. On College property; or

B. Off College property, if:

1. The conduct was in connection with a College or College-recognized program or activity;
or
2. The conduct may have the effect of creating a hostile environment for a member of the College community.

III. Title IX Coordinator

The College has designated the Dean of Students as the Title IX Coordinator.

IV. Retaliation Prohibited

Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperation in the investigation of such

allegations, (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited.

V. Implementing Procedures

The College will maintain and publish procedures implementing this policy which set forth:

- Definitions of prohibited conduct;
- Responsibilities of and contact information for the College's Title IX Coordinator and Department of Human Resources;
- Options for assistance following an incident of sexual discrimination, harassment and/or misconduct;
- Procedures for reporting and confidentially disclosing sexual discrimination, harassment and/or misconduct;
- Complaint investigation and appeal procedures;
- Prevention and education programming provided to College students and employees; and
- Training and education provided to the Title IX Coordinator, Department of Human Resources, College Police, Responsible Employees, victim advocates, and anyone else involved in responding to, investigating or adjudication sexual discrimination, harassment and misconduct incidents.

Refer to Board Policy 15-10 (Prohibition of Discrimination and Harassment), Board Policy 20-5 (Non-Discrimination Policy); and Board Policy 20-35 (Code of Student Conduct).

Adopted: 3/19/09	Reviewed:	Amended: 2/19/15
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**Prohibition of Sexual Discrimination, Harassment and Misconduct****I. Purpose**

College of DuPage (College) is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity. The purpose of this procedure is to implement the College's Sexual Discrimination, Harassment and Misconduct Policies (Board Policy 15-11 and Board Policy 15-10), ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis of sex or sexual orientation, including gender-related identity; and the Clery Act, which requires timely warning to the community of certain immediate threats.

The College has an affirmative duty to take immediate and appropriate action once it knows of any act of sexual discrimination, harassment and/or misconduct in any of its educational or employment programs or activities. The College will promptly and thoroughly investigate any complaints of sexual discrimination, harassment and/or misconduct in accordance with the procedures set forth below.

II. Jurisdiction

The College's Sexual Discrimination, Harassment and Misconduct Procedures apply to students, faculty, staff, appointees, or third parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

A. On College property; or

B. Off College property if:

1. The conduct was in connection with a College or College-recognized program or activity; or
2. The conduct may have the effect of creating a hostile environment for a member of the College community.

III. Scope

A. Students

Sections I-II, III(A), and IV-XIV of Board Procedure 15-11 governs sexual discrimination, harassment and/or misconduct involving students, such as:

1. A student victim and/or complainant and a student respondent;
2. A student victim and/or complainant and an employee or third-party respondent;
3. An employee victim and/or complainant and a student respondent; and
4. A third-party victim and/or complainant and a student respondent.

B. Non-Students

The following Sections of Board Procedure 15-11 govern sexual discrimination, harassment and/or misconduct which solely involve employees and/or third parties:

- Section I, Purpose
- Section II, Jurisdiction
- Section III(B), Scope
- Section IV, Definitions
- Section V(B), Administration
- Section VI, Options for Assistance Following an Incident of Sexual Discrimination, Harassment and/or Misconduct
- Section IX, Interim Measures
- Section X, Miscellaneous
- Section XIV, Training
- Section XV, Procedures Governing Complaints Solely Involving Employees and/or Third Parties

IV. Definitions

- A. Consent:** Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, or a lack of active resistance. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent may be withdrawn at any time. A person may be incapable of giving consent due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.
- B. Dating Violence:** The term dating violence means violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- C. Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

- D. Hostile Environment Caused by Sexual Harassment:** a sexually harassing hostile environment is created when conduct by an individual is so severe, pervasive or persistent that it denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim's position, considering all the circumstances.
- E. Incapacitation:** When a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or because an intellectual or other disability which prevents the person from having the capacity to give consent.
- F. Intimidation:** To make timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by the College's Sexual Discrimination, Harassment and Misconduct Policy and Procedures.
- G. Retaliation:** Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the College's Sexual Discrimination, Harassment and Misconduct Policy and Procedures. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the allegations of sexual discrimination, harassment or misconduct.
- H. Sexual Assault:** Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- I. Sex Discrimination:** Discrimination on the basis of sex, sexual orientation or gender-related identity. Sex discrimination includes sexual harassment, sexual misconduct and sexual violence.
- J. Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or a sexually transmitted disease to another, or exposing one's genitals to another in non-consensual circumstances.
- K. Sexual Harassment:** Unwelcome sexual advances, requests for sexual acts or favors, and other verbal, non-verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic advancement, evaluation, or grades;

2. Submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive employment or educational environment; or
4. Such conduct denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities.

Examples of conduct of a sexual nature include:

- Verbal: Specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats.
- Non-Verbal: Sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures.
- Physical: Touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault.

- L. Sexual Misconduct:** Includes sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence and stalking.
- M. Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g. due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.
- N. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress.
- O. Threat:** Any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.

V. Administration

A. Title IX Coordinator

The College has designated the Dean of Students as the Title IX Coordinator.

Dean of Students
College of DuPage

425 Fawell Blvd.
Glen Ellyn, IL 60137

Telephone: (630) 942.3224
Email: TitleIXCoordinator@cod.edu

Responsibilities of the Title IX coordinator include:

- Overseeing the College's response to all Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.
 - A Title IX complaint includes complaints alleging sexual discrimination, sexual harassment and/or sexual misconduct (as those terms are defined herein) which involve a College student as the victim and/or complainant or as the respondent.
- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Ensuring that adequate training is provided to students, faculty and staff on Title IX issues.
- Conducting Title IX investigations, including investigating facts relative to a complaint and recommending appropriate sanctions against the perpetrator and remedies for the complaint.
 - With respect to Title IX complaints that relate to a College employee as the victim and/or complainant or as the respondent, the Title IX Coordinator will partner with the Department of Human Resources which will manage the investigation into the allegations and which will recommend appropriate sanctions against the employee.
- Determining appropriate interim measures for a victim and/or complainant upon learning of a report or complaint of sexual violence.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Promoting an educational and employment environment which is free of sexual discrimination and gender bias.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to the United States Department of Education's Office for Civil Rights:

Office for Civil Rights, *Chicago Office*
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475

Chicago, IL 60661-4544
Telephone: (312) 730-1560
Email: OCR.Chicago@ed.gov

B. Department of Human Resources

The Department of Human Resources will partner with the Title IX Coordinator with respect to any Title IX complaints which involve a College employee as the victim and/or complainant or as the respondent.

The Department of Human Resources will oversee the College's response to all complaints of sexual discrimination, harassment and/or misconduct which solely involve employees and/or third parties.

VI. Options for Assistance Following an Incident of Sexual Discrimination, Harassment or Misconduct

A. Immediate Assistance

1. On- and Off-Campus Counselors and Advocates. The following on- and off-campus counselors and advocates can provide an immediate confidential response in a crisis situation:

YWCA Rape Crisis Hotline
Phone: (630) 971-3927

For Employees:
Employee Assistance Program
Cadence Health
Phone: (888) 933-1327

For Students:
Student Assistance Program
Cadence Health
Phone: (855) 942.2259

COD Counseling and Advising Center
Mental Health Counselors
Student Services Center (SSC) 3200
Phone: (630) 942-2259

2. Emergency Response. Anyone who experiences or observes an emergency situation should immediately call 911 and/or the College Police at (630) 942-2000.
3. On- and Off-Campus Health Care Options. Victims may seek treatment for injuries, preventative treatment for sexually transmitted disease, and other health services by contacting the following for health care options:

YWCA Rape Crisis Hotline
Phone: (630) 971-3927

911, in an emergency

COD Police
Phone: (630) 942-2000

Central DuPage Hospital*
Emergency Department
Phone: (630) 933-2600

*Indicates health care options which provide rape kits and/or Sexual Assault Nurse Examiners.

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

B. Ongoing Assistance for Students

1. On- and Off-Campus Counseling, Advocacy and Support.

See Section X(A), below.

2. Academic Accommodations and Interim Measures.

See Section X(C), below.

C. Ongoing Assistance for Employees

Employee Assistance Program
Cadence Health
Phone: (888) 933-1327

VII. Student Reporting and Confidentially Disclosing Sexual Discrimination, Harassment and/or Misconduct

The College encourages student victims of sexual discrimination, harassment and/or misconduct, including sexual violence, to talk to somebody about what happened so that victims can get the support they need and so that the College can respond appropriately. Different employees on campus have different abilities to maintain a student victim's confidentiality:

- Some employees are required to maintain near complete confidentiality.
- Some employees may talk to a student victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information.
- Some employees are required to report all the details of an incident (including identities of the student victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees, called "Responsible Employees", constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

The various reporting and confidential disclosure options available are set forth in further detail below.

A. Student Privileged and Confidential Communications

1. Mental-Health Counselors. Professional, licensed counselors who provide mental-health counseling to students (including those counselors who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a student victim's permission.

Contact information for such mental-health counselors is as follows:

Mental Health Counselors
COD Counseling and Advising Center
Student Services Center (SSC) 3200
Phone: (630) 942-2259

2. Non-Mental-Health Counselors and Advocates. Individuals who work or volunteer in the on-campus Student Affairs offices, including front desk staff and students, can generally talk to a student victim without revealing any personally identifying information about an incident to the College. A student victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the student victim's identity or that the student victim has disclosed the incident.

While maintaining a student victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the student victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual discrimination, harassment and misconduct on and off campus so the Title IX Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Contact information for such non-mental-health counselors and advocates is as follows:

Student Success Counselors
COD Counseling and Advising Center
Student Services Center (SSC) 3200
Phone: (630) 942-2259

A student victim who speaks to a mental-health or non-mental-health counselor or advocate must understand that, if the student victim wants to maintain confidentiality, the College's ability to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Even so, these counselors and advocates will still assist the student victim in receiving other necessary protection and support, such as student victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A student victim who at first requests

confidentiality may later decide to file a complaint with the College or report the incident to law enforcement, and thus will have the incident fully investigated. These counselors and advocates will provide the student victim with assistance if the student victim wishes to do so.

Note: While these counselors and advocates may maintain a student victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law. Any College employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, College Police may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

B. Student Reporting to “Responsible Employees”

A College employee who has the authority to redress sexual discrimination, harassment or misconduct, who has the duty to report incidents of such or other student misconduct, or who a student could reasonably believe has this authority or duty is a Responsible Employee. When a student victim tells a Responsible Employee about an incident of sexual discrimination, harassment or misconduct, the student victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the student victim and that the College will need to determine what happened – including the names of the student victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report.

The following categories of employees are the College's Responsible Employees:

- College Administrators
- Title IX Coordinator
- Supervisors and Managerial Staff
- Faculty
- Campus Police
- Coaches

Before a student victim reveals any information to Responsible Employee, the employee should ensure that the student victim understands the employee's reporting obligations – and, if the student victim wants to maintain confidentiality, direct the student victim to the confidential resources listed above.

If the student victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the student victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the student victim's request for confidentiality.

C. Student Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond

If a student victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students and employees, including the student victim.

If the College honors the request for confidentiality, a student victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Although rare, there are times when the College may not be able to honor a student victim's request in order to provide a safe, non-discriminatory environment for all students and employees.

The College has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX Coordinator
- Vice-President of Human Resources
- COD Chief of Police

When weighing a student victim's request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:
 - Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
 - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
 - Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
 - Whether the sexual discrimination was committed by multiple perpetrators;
- Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- Whether the student victim is a minor;

- Whether the College possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence); and
- Whether the student victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the student victim's request for confidentiality.

If the College determines that it cannot maintain a student victim's confidentiality, the College will inform the student victim at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the College's response.

If the College determines that it can respect a student victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the student victim.

If a victim's request for confidentiality limits the College's ability to formally investigate a particular allegation, the College may take steps to limit the effects of the alleged sexual discrimination, harassment and/or misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Such action may include, but is not limited to:

- Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the College's policies regarding sexual discrimination, harassment and misconduct; and
- Conducting climate surveys regarding sexual misconduct.

VIII. Employee Reporting and Disclosing Sexual Discrimination, Harassment and/or Misconduct of a Student

In addition to the reporting requirements for Responsible Employees (see Section VII(B), above), all College employees who have information regarding sexual discrimination, harassment and/or misconduct of a student are encouraged to report it to the Title IX Coordinator or any Responsible Employee.

IX. Interim Measures

The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include the College obtaining a no-contact order, helping to change working arrangements or course schedules (including for the alleged perpetrator(s) pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any Title IX investigation or in a disciplinary proceeding against a student.

Because the College is under a continuing obligation to address the issue of sexual discrimination, harassment and misconduct campus-wide, reports of such incidents (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision, or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

X. Miscellaneous

1. Take Back the Night and Other Public Awareness Events. Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents are not considered notice to the College of sexual discrimination, harassment or misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ Title IX rights at these events.
2. Anonymous Reporting. Although the College encourages victims to talk to someone, the College provides for an online system for anonymous reporting. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. Anonymous reports can be filed through the COD Police website (www.cod.edu/about/police_department/).
3. Off-Campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. Contact information for such off-campus resources is as follows:

YWCA Rape Crisis Hotline
Phone: (630) 971-3927

For Employees:
Employee Assistance Program

Cadence Health
Phone: (888) 933-1327

For Students:
Student Assistance Program
Cadence Health
Phone: (855) 942.2259

Note: While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

4. **Clery Act Reporting Obligations.** Pursuant to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act," 20 U.S.C. 1092(f)), the College maintains a public crime log and publishes an Annual Security Report ("ASR") available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault. The Clery Act also requires the College to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees.

XI. Title IX Complaint Investigation Procedures

A. Formal Investigation Process

1. Initiation of Investigation by Title IX Coordinator: Upon receipt of a Title IX complaint of sexual discrimination, harassment and/or misconduct, including sexual violence, the Title IX Coordinator will initiate a prompt, fair and thorough investigation. The investigation will be conducted by the Title IX Coordinator or his/her designee, and the College will conclude the investigation within 60 calendar days or less. Where the allegations are complex or other factors delay the investigative process, an extension may be granted.

With respect to Title IX complaints that relate to a College employee as the victim and/or complainant or as the respondent, the Title IX Coordinator will partner with the Department of Human Resources which will manage the investigation into the allegations made against the College employee and which will recommend appropriate sanctions against the College employee Respondent.

2. Interim Measures Provided: During the investigation, the Title IX Coordinator will ensure the victim and/or complainant receive Interim Measures as set forth in Section IX, above, and will advise the victim and/or complainant of the right to file a complaint with College Police or law enforcement agencies.
3. Notice to Respondent:
 - a. Within 10 business days of receipt of a complaint, the respondent will be given written notice of the charges against him/her.

- b. The respondent will be advised of the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es)).
- 4. Due Process Rights of Victim and/or Complainant and Respondent
 - a. The victim and/or complainant and student respondent will each be afforded the right to present information and witnesses relevant to his or her case.
 - b. When the victim and/or complainant or student respondent is requested to appear at an investigatory meeting or proceeding related to a complaint, he or she may be accompanied by an advisor. An advisor is defined as a family member, peer, staff/faculty member of the College, or a union representative; it does not include legal counsel or an attorney at law.
 - c. If the respondent is a College employee, then any employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.
- 5. Evidence Considered: Investigators will interview and receive evidence from the victim, complainant, respondent and any witnesses identified during the course of the investigation. The victim's prior sexual history with anyone other than the respondent will not be considered during the investigation or any proceeding related to a complaint. The mere fact of a current or previous consensual dating or sexual relationship between the victim and respondent does not itself imply consent or preclude a finding of sexual violence.
- 6. Preservation of Evidence: Any physical evidence gathered by the investigator will be preserved by the COD Police.
- 7. Concurrent Criminal Investigation: The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the College investigation be temporarily suspended. In such cases, the College will evaluate the law enforcement agency's request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared with the College until the criminal investigation is closed.
- 8. Report of Investigation: At the conclusion of the investigation, the investigator will prepare a thorough report outlining the: complaint, investigation conducted and all relevant evidence obtained; investigator's conclusions with an explanation of reasoning and/or support for such conclusions; and recommendations for sanctions or other remedial action as appropriate. The investigator will submit his/her report to the Title IX Coordinator, Department of Human Resources and/or both, as appropriate.

B. Determination

- 1. Determination Based Upon Preponderance of the Evidence: For student respondent cases, the Title IX Coordinator shall review the investigator's report

and all evidence gathered to determine whether the student respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy. The determination of violations shall be made based on the preponderance of evidence, meaning whether it is more likely than not that this policy was violated.

For employee respondent cases, the Department of Human Resources and Title IX Coordinator will determine whether the employee respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy.

2. Notice to Respondent: For student respondents, within 10 business days after receipt of the investigator's report, the Title IX Coordinator will notify the student respondent via certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator determines that the student respondent has violated the College's prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the student respondent of:
 - a. Disciplinary sanctions; and
 - b. The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section VIII, below.

For employee respondents, the Department of Human Resources will follow its obligation under any applicable College Policies and collective bargaining agreements in providing notice.

3. Notice to Victim and/or Complainant: Concurrently with the notice provided to respondent, the Title IX Coordinator will notify the victim and/or complainant via certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator determines that the respondent has violated the College's prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the victim and/or complainant of:
 - a. Any individual remedies offered or provided to the victim and/or complainant;
 - b. Disciplinary sanctions imposed on the respondent that directly relate to the victim and/or complainant;
 - c. In sexual violence cases only, any disciplinary sanctions imposed on the respondent;
 - d. The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section XII, below; and
 - e. If the College determines that a hostile environment exists, it will inform the victim and/or complainant of steps it has taken to eliminate the hostile environment and to prevent recurrence.

C. Sanctions, Protective Actions, and Remedies

1. Sanctions. Student respondents who have violated the College's prohibition of sexual discrimination, harassment and/or misconduct are subject to any sanctions

set forth in the College's Code of Student Conduct Procedures 20-35, up to and including expulsion.

College employee respondents who have violated the College's prohibition of sexual discrimination, harassment and/or misconduct will be subject to disciplinary action up to and including termination, consistent with any applicable employee guidebooks and/or collective bargaining agreement obligations.

2. Protective Actions. The College may take protective measures as appropriate, including no-contact orders, trespass notices, or other protective measures. College Police will enforce court ordered no-contact, restraining and/or protective orders to the fullest extent of the law.
3. Remedies. The College will administer remedies for the victim and/or complainant depending upon the specific nature of the complaint. In addition, the College may administer remedies for the College community as a whole.

Remedies for the victim and/or complainant may include, but are not limited to:

- Assisting the victim and/or complainant to change his/her academic and/or work environment if requested and if reasonably available;
- Providing an escort to ensure that the victim and/or complainant can move safely between classes and activities;
- Ensuring that the victim and/or complainant and the respondent do not attend the same classes;
- Providing counseling services;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Arranging for the victim and/or complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the victim and/or complainant's academic record; and
- Reviewing disciplinary actions taken against the victim and/or complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the victim and/or complainant being disciplined.

Remedies for the College community as a whole may include, but are not limited to:

- Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students and employees affected by sexual discrimination, harassment, and/or misconduct;
- Designating an individual from the College's counseling center to be available to assist victims of sexual discrimination, harassment, and/or misconduct whenever needed;
- Developing materials on sexual discrimination, harassment and misconduct for campus-wide distribution to students, employees, and/or third-parties;
- Creating a committee of students and College officials to identify strategies for preventing and addressing sexual discrimination, harassment and misconduct; and

- Conducting periodic climate surveys to identify how students and employees perceive and experience sexual discrimination, harassment and misconduct at the College.

XII. Title IX Appeal Procedures for Victims and/or Complainants and Student Respondents

A. Appeal Request

A victim and/or complainant or a student respondent who wishes to appeal the decision reached by the Title IX Coordinator at the conclusion of a formal investigation must submit a written request for appeal to the Judicial Review Board (JRB). This request must be submitted to the Vice President of Student Affairs within 10 business days after receipt of the Title IX Coordinator's letter of determination.

The appeal request must be typewritten, must indicate if the requestor wishes to appear in person before the JRB, and must state the grounds for appeal. Appeals must be made on the basis of one or more of the following grounds:

1. Procedural error was committed.
2. The finding of facts contained in the decision included inaccurate information.
3. Specific evidence considered during the investigation is objectionable.
4. Evidence not offered during the investigation is now available. In such cases, the new evidence must be described.
5. The sanction imposed is lenient, excessive or otherwise inappropriate.

Within 10 business days after receipt of the appeal request, the Vice President of Student Affairs will decide whether to grant the appeal based on whether the appeal meets one of the above enumerated grounds for appeal and shall inform the appellant by certified mail, return receipt request. If the appeal is granted, the Vice President of Student Affairs will refer the matter to the JRB, and the Hearing Procedures for the JRB set forth below will be followed. In the event of an appeal, the decision(s) of the JRB will be final in all cases, other than for cases resulting in a recommendation for suspension or expulsion.

In the event a victim and/or complainant or a student respondent does not appeal within the required 10 business day period, the decision of the Title IX Coordinator will be final.

If the respondent is a College employee, then any employee misconduct appeal procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

B. Establishment of the Standing JRB

A standing JRB will hear cases and make recommendations on appropriate disciplinary cases referred to it by the Vice President of Student Affairs or appealed to it by students who are the subject of disciplinary actions involving disciplinary suspension and expulsion. The JRB will be established each fall. It will be composed of the following persons:

1. Two members of the administrative staff appointed by the Vice President of Student Affairs.
2. Two members of the faculty appointed by the Vice President of Student Affairs.
3. One member of the student body appointed by the Vice President of Student Affairs.

None of the above-named persons may sit in any case in which they have a direct personal interest. Decisions in this regard will be made by the JRB as a whole. The Vice President of Student Affairs may appoint interim members as required.

C. Hearing Procedures for the JRB

1. The hearing will be closed to the public.
2. The victim and/or complainant and respondent shall each be entitled to appear in person with an advisor (as defined in Section XI(A)(4)(b), above), present his/her case to the JRB, and call witnesses in his/her behalf.

When requested by the victim, the JRB shall make arrangements so that the victim and respondent do not have to be in the same room at the same time (such as by arranging for participation via videophone, closed circuit television, video conferencing, or other means).

3. The hearing will begin with a presentation by the Title IX Coordinator of his/her determination, followed by a presentation by the appellant. The non-appellee may present his/her case as well.
4. The Title IX Coordinator, appellant and appellee may present information in oral and written form, by witnesses and/or through documents. The parties will be given an opportunity to question witnesses, except that the respondent may under no circumstances personally question the victim.
5. The JRB reserves the right to hear the testimony of witnesses separately, so that the witnesses will not hear each other's testimonies.
6. Pertinent and relevant information will be reviewed by the JRB without regard for the legal rules of evidence.
7. The Title IX Coordinator, appellant and appellee may make closing statements at the conclusion of the hearing on both the issue of misconduct and the issue of the recommended discipline.
8. An audio recording of the proceedings will be created and will be made available to either party upon request.
9. The JRB will render its written decision within 10 business days after the hearing. The decision will be to affirm, reverse or modify the Title IX Coordinator's determination. If the JRB finds the respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy, the JRB will then determine or recommend a disciplinary action.

10. If a student respondent is found not to have engaged in sexual discrimination, harassment and/or misconduct in violation of College policy, and if coursework has been missed as a direct result of the action taken against the student respondent, appropriate action will be taken to assist the student respondent in completing the course(s).
11. In all cases other than suspension or expulsion, the decision of the JRB is final.
12. If the decision of the JRB is to suspend the student respondent, that decision will be transmitted to the Vice President of Student Affairs. The student respondent will then have two business weeks after the decision to appeal to the Vice President of Student Affairs. The appeal will consist of the student respondent's written statement of disagreement with the decision and argument for reversal, relevant documentation and the recording or transcript of the JRB hearing. The Vice President of Student Affairs will review relevant information before making a decision. The Vice President of Student Affairs will render a decision to uphold the suspension or to take other appropriate action within 15 business days after receiving the respondent's written appeal. If the Vice President of Student Affairs decides to impose a less severe sanction than suspension, the decision of the Vice President of Student Affairs is final. The Vice President of Student Affairs will not have the authority to increase the severity of the recommended sanction.
13. If the decision of the JRB is to expel the student respondent, that decision will be transmitted to the Vice President of Student Affairs. The student respondent will then have two business weeks after the decision to appeal to the Vice President of Student Affairs. The appeal will consist of the student respondent's written statement of the disagreement with the decision and argument for reversal, relevant documentation and the recording or the transcript of the JRB hearing. The Vice President of Student Affairs will review the relevant information before making a decision. The Vice President of Student Affairs will render a decision to uphold the expulsion or to take other appropriate action within 15 business days after receiving the respondent's written appeal. If the Vice President of Student Affairs decides to impose a sanction less severe than expulsion, the decision of the Vice President of Student Affairs is final.

XIII. Prevention and Education for Students

The College will review on an ongoing basis, its sexual discrimination, harassment and misconduct prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual discrimination, harassment and misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College policies and procedures, retaliation, the impact of trauma, relevant definitions, and other pertinent topics.

XIV. Training

The Title IX Coordinator, College Police, Responsible Employees, victim advocates, and anyone else involved in responding to, investigating or adjudicating sexual discrimination, harassment and misconduct incidents receive education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant College policies and procedures, retaliation, the impact of trauma, relevant definitions, and other pertinent topics. The College will annually review its training offerings to identify ways in which to enhance its effectiveness.

XV. Procedures Governing Complaints Solely Involving Employees and/or Third Parties

An employee or third party should notify the Department of Human Resources' Director of Labor and Employee Relations ("Director") or the Manager of Employee Relations ("Manager") if he or she believes that the College, its employees or agents have engaged in sexual discrimination, harassment or misconduct of an employee or third party in violation of Board Policy 15-11.

The Director/Manager may attempt to resolve complaints informally. However, if a formal complaint is filed, the Director/Manager will address the complaint promptly and equitably as follows.

A. Filing a Complaint

An employee or third party (hereinafter "Complainant") who wishes to avail him or herself of this procedure may do so by filing a complaint with the Director/Manager. The Director/Manager will request the Complainant to provide a written statement regarding the nature of the complaint and will require a meeting with the Complainant. The Director/Manager shall assist the Complainant as needed.

B. Investigation

Each complaint shall be investigated promptly, thoroughly, impartially, and as confidentially as possible. The Director/Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint and identity of the Complainant will not be disclosed except as required by law, as necessary to fully investigate the complaint, or as authorized by the Complainant. As a general rule, all complaints will be investigated, even when the Complainant requests that nothing be done.

1. The Director/Manager or his/her designated investigator (hereinafter "investigator") will investigate all complaints or allegations of sexual discrimination, harassment, or misconduct, except that, depending on the circumstances, the Vice President of Human Resources may appoint a special investigator. The appointment of a special investigator does not preclude the involvement or assistance of the Director/Manager in the investigation. Whenever the Vice President of Human Resources deems necessary, a third party (e.g., an attorney) may serve as a special investigator. The investigator should not have any involvement with the Complainant or the alleged wrongdoer outside of the investigation. The Director will ensure that investigators have sufficient authority and resources.
2. The investigator will inform potential complainants, complainants, and witnesses that the College prohibits any form of retaliation against anyone who, in good faith, brings a complaint or provides information to the individual investigating a complaint.
3. The investigator will provide a fair opportunity for both sides to be heard.
4. During the investigation, the investigation file will be kept separate from personnel record files.

5. The investigator will prepare a comprehensive written report of his/her findings and will provide the report to the Vice President of Human Resources. If a complaint of sexual discrimination, harassment or misconduct contains allegations involving the Vice President of Human Resources, the written report shall be provided directly to the College President, who will make a decision in accordance with Section D, below.
6. Employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

C. Decision

Within 15 business days after receiving the investigator's report, the Vice President of Human Resources shall mail his or her written decision to the Complainant by U.S. mail, first class. A copy will be placed in the investigation file.

D. Appeal

Employee misconduct appeal procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

Adopted: 10/01/09	Reviewed:	Amended: 2/24/15
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XV. VETERANS

DEFINITIONS:

- **Vietnam Era Veteran**

- i. A person who (i) served on active duty in the U.S. military, ground, naval or air service for a period of more than 180 days, and who was discharged or released there from with other than a dishonorable discharge, if any part of such active duty was performed: (A) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (B) between August 5, 1964, and May 7, 1975, in all other cases; or
- ii. A person who (ii) was discharged or released from active duty in the U.S. military, ground, naval or air service for a service-connected disability if any part of such active duty was performed (A) in the Republic of Vietnam between February 28, 1961, and May 7, 1975, or (B) between August 5, 1964, and May 7, 1975, in any other location.

- **Disabled Veteran**

- i. A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or
- ii. A person who was discharged or released from active duty because of a service-connected disability.

- **Special Disabled Veteran**

- i. A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans' Affairs for a disability (A) rated at 30 percent or more, or (B) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 38 U.S.C. 3106 to have a serious employment handicap; or
- ii. A person who was discharged or released from active duty because of a service-connected disability. Section 38 U.S.C. 3106 defines "serious employment handicap" as a significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes and interests.

- **Other Protected Veteran**

- i. A person who served on active duty in the U.S. military, ground, naval or air service during a war; or in a campaign or expedition for which a campaign badge has been authorized by the Department of Defense.

- **Recently Separated Veteran**

- i. Any Veteran during the one year period beginning on the date of such Veteran's discharge or release from active duty in the U.S. military.

- **Armed Forces Service Medal Veteran**

- i. Any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

LEGISLATION:

The Uniformed Services Employment and Re-employment Rights Act, (USERRA) protects civilian job rights and benefits for veterans and members of the active and Reserve components of the U.S. armed forces. USERRA provides that returning service-members must be promptly reemployed in the same position that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

XVI. DISABLED

DEFINITION:

An individual with a disability is one who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of having such impairment; or (3) is regarded as having such impairment.

LEGISLATION:

Rehabilitation Act of 1973 as amended by the Rehabilitation Act of 1974

Section 503 requires firms holding federal contracts or subcontracts of \$2,500 or more to take "affirmative action to hire and advance in employment" the handicapped. Goals and timetables are not required.

Section 504 provides that "no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Americans with Disabilities Act of 1990

This federal statute, which is effective July 26, 1992, prohibits discrimination against a qualified individual with a disability in regard to job application procedures, hiring,

advancement or discharge, compensation, training and other terms, conditions and privileges of employment.

Americans with Disabilities Act of 2008

The ADAA, Pub.L. 110-325, overturns a series of Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairment is a “disability.” The ADAAA made significant changes to the ADA’s definition of “disability” that broadens the scope of coverage under both the ADA and Section 503 of the Rehabilitation Act.

No attempt is made to gather data on applicants or employees who may be disabled.

Applicants are screened without regard to any disability or perceived disability. If an individual self identifies a disability or if there is a perceived disability which may affect the ability of the applicant to perform the duties, an accommodation conference will be held with the applicant after it has been determined the individual is the best suited for the position, based upon qualifications and experience.

For existing employees, the college relies upon self-identification in cases where accommodations are requested.

XVII. EMPLOYEE DEVELOPMENT

An essential part of an affirmative action program is a process to encourage the promotability of female and minority employees after hire. In addition to the job posting provisions contained in the procedures for Board Policy 15-5, the college offers many opportunities to obtain skills for promotion on an equal opportunity basis. Those provisions are as follows:

Classified Staff (Benefited)

Classified employees may use up to \$1850 per fiscal year (July 1 to June 30) for professional development, to further the goal of adding value to College of DuPage through employee development. Up to \$500 of this amount may be used for job related professional dues and up to \$600 may be used for travel expenses related to the professional development activity.

Managerial (Benefited)

Managerial employees may use up to \$1850 per fiscal year (July 1 to June 30) for professional development, to further the goal of adding value to College of DuPage through employee development. Up to \$500 of this amount may be used for job related professional dues and up to \$600 may be used for travel expenses related to the professional development activity.

Faculty (Benefited)

Faculty have available up to \$1850 per fiscal year (July 1 to June 30) Development and Renewal funds for professional growth for each year of the Contractual Agreement for job related professional development that improves or develops their job related skills including professional memberships and associations, and professionally related periodical subscriptions. Up to \$600 may be used for pre-approved travel expenses. Starting Fall 2015, through academic years 2016 and 2017, up to \$30,000, per year of unused Faculty Professional funds will be made

available to supplement individual Professional Development funding, as approved by the Vice-President Academic Affairs.

Administration (Benefited)

Administrators have available up to \$1850 per fiscal year (July 1 to June 30) for professional development, to further the goal of adding value to College of DuPage through employee development. Up to \$500 of this amount may be used for job related professional dues and up to \$600 may be used for pre-approved travel expenses.

Operating Engineers (Benefited)

Operating Engineers have available up to \$600 per fiscal year (July 1 to June 30) for Educational Development. Up to \$150 of this amount may be used for job related professional dues.

FOP (Benefited)

Employees have available up to \$1700 per fiscal year (July 1 to June 30) for Educational Development. Reimbursement may also be used for professional exam expenses such as Emergency Medical Technician Exam. Up to \$200 of this amount may be used for job related professional dues or other job related professional materials such as subscriptions.

The College of DuPage provides discounted tuition charges for benefited employees when enrolled for College of DuPage credit courses.

The College provides development opportunities through the Teaching and Learning Center. These include:

- In-Service days, workshops and support programs in varied delivery formats to promote faculty, staff and administrator roles in both personal and professional development.
- Programs that develop skills for the use of technology in teaching, learning, academic support and administration.
- Programs that support institutional initiatives and specialized, job/discipline-related training for departments or divisions.

Classified Staff and Faculty (Part-Time)

Eligible part-time employees who work a minimum level may enroll in one tuition discounted class per semester.