



From the Board of Trustees Policy Manual:

- **Equal Opportunity Policy Statement**
- **Affirmative Action Grievance Procedure**
- **Racism and Acts of Intolerance Policy Statement**

2.1.2 Equal Opportunity Policy Statement

This statement establishes a policy framework for the implementation of equal opportunity and affirmative action principles within the community college system. The purpose is to set forth an appropriate and consistent standard for each college and the system office. The statement constitutes the policy statement required by section 46a-68-63 of the regulations of Connecticut state agencies.

The chancellor is authorized to promulgate a supplement to this statement in order to achieve compliance with paragraphs 3 and 8 of the subject regulation, which supplement shall be an integral part of this policy statement. The chancellor is further authorized to establish systemwide standards for the implementation of affirmative action and equal opportunity consistent with the requirements of applicable law, regulation, and executive orders.

The Role and Purpose of Affirmative Action

The board of trustees recognizes that historically certain groups have been excluded from full participation in educational and employment opportunities and that if they are to overcome the present effects of this past exclusion affirmative steps beyond simple neutrality are required. Without such affirmative action, society runs the risk of the perpetuation of the status quo ante.

Affirmative action in employment involves taking additional steps to recruit, employ, and promote members of protected groups. More particularly, the board endorses and expects full compliance with the requirements of law, including but not limited to positive action designed to identify and remove practices, policies, or other job related requirements which act as barriers to equal employment opportunity for women, blacks, hispanics, and other protected groups found to be underutilized in the work force or affected by policies or practices having an adverse impact.

Similarly, the board endorses and expects that there will be efforts made to reach out to groups within our society which have historically been excluded from or are disproportionately represented in postsecondary education. The mission of the community colleges is particularly well suited to include and provide an environment of success for members of such historically underrepresented groups.

Need for Immediate Action

Both the executive and legislative branches of government have identified the need for positive and effective affirmative action in employment and services offered to the public through the agencies of the state of Connecticut. The board recognizes, adopts, and pledges its support for such affirmative action as a necessary and immediate objective for all the

community colleges and the system office of the board of trustees.

In considering the need for affirmative action, it is useful to distinguish between affirmative action and equal employment opportunity. The latter implies an absence of discrimination. In contrast, affirmative action recognizes that a simple stance of neutrality is not sufficient to surmount existing patterns of underrepresentation and underutilization both in employment and education.

While it is understood that affirmative action relates to societal groups based on such characteristics as race and sex, the board of trustees also recognizes the special problems of the aged and people with disabilities as requiring particular attention and sensitivity in the implementation of equal opportunity and affirmative action. To this end, each college and the system office shall identify problem areas, if any, and where appropriate establish program goals to achieve full and fair utilization of such individuals in the workplace.

Nondiscrimination Policy

The community college system of the state of Connecticut will not discriminate against any person on the grounds of race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disorder, marital status, mental retardation, sexual orientation, learning disability, or physical disability, including, but not limited to, blindness, or prior conviction of a crime, unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut general statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in section 46a-60(8) of the Connecticut general statutes. Although it is recognized that there are bona fide occupational qualifications which provide for exception from employment prohibitions, it is understood these exceptions are to be applied pursuant to section 46a-68-33 of the administrative regulations.

Further, the system will not discriminate against any person on the grounds of political beliefs or veteran status.

Affirmative Action in Employment

The employment process consists of recruitment, selection, placement, promotion, transfer, tenure consideration, salary and fringe benefit determination, separation and termination, and job training. The role of affirmative action is to provide an environment for the application of equal opportunity principles and to monitor the employment process to prevent instances of illegal discrimination from arising or existing.

The affirmative action influence on the employment process seeks to assure that

1. recruitment and hiring of protected group members reflect their availability in the job market;
2. selection, tenure, placement, and related activities are based upon job-related factors, and criteria and practices which have an illegal discriminatory impact have been identified and eliminated;

3. salary and fringe benefits, including opportunities for training and education, are administered in an equitable manner;
4. transfer, reassignment, separation, and termination decisions are nondiscriminatory and do not result in an illegal adverse impact upon members of protected groups, and, where there is a negative impact upon protected groups, alternative approaches to separation and termination are explored.

(Adopted October 10, 1975; amended May 17, 1982, July 19, 1982, April 15, 1985, November 17, 1986, February 26, 1990 and March 22, 1993)

2.1.3 Affirmative Action Grievance Procedure

Purpose. The purpose of the affirmative action grievance procedure is to provide an informal structure for expeditious resolution of allegations of unlawful discrimination while assuring that legal options for filing complaints with enforcement agencies are not foreclosed. Employees who utilize the grievance procedure will not be subject to retaliation.

Who may use this procedure? The board of trustees encourages employees to use this internal grievance procedure when an employee believes that he or she has been subjected to discrimination in violation of the board's equal opportunity policy statement.

Equal Opportunity Policy Statement. The community college system of the state of Connecticut will not discriminate against any individual on the grounds of race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disorder, marital status, mental retardation, learning disability or physical disability, including, but not limited to, blindness, sexual orientation, or prior conviction of a crime, unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut general statutes are controlling, or there is a bona fide occupational qualification excluding persons in one of the above protected groups. Although it is recognized that there are bona fide occupational qualifications which provide for exception from employment prohibitions, it is understood these exceptions are to be applied pursuant to section 46a-68-33 of the administrative regulations.

Further, the system will not discriminate against any individual on the grounds of political beliefs or veteran status.

How to file an informal grievance. A complaint must be made in writing to the college affirmative action person within fifteen calendar days of the alleged discrimination. Where the action complained of relates to an opportunity for appointment to a position for which a single vacancy exists, the complaint is to be filed with the chancellor as soon as possible.

A written complaint consists of a statement of the facts which relate to the alleged discrimination, the date of the alleged discrimination, the basis of the grievant's complaint (e.g., sex, race, disability), and the remedy requested.

Recourse to other procedures. Utilization of this grievance procedure does not preclude the grievant from filing complaints under applicable collective bargaining agreements and state or federal law. Employees may file formal discrimination complaints with state and/or federal agencies.

Complaints may be filed with the Connecticut commission on human rights and opportunities; United States equal employment opportunity commission; United States department of labor, wage and hour division; and any other agencies, state, federal, or local, that enforce laws concerning discrimination in employment. The Connecticut commission on human rights and opportunities can provide assistance in filing complaints and determining the legal options which may be available. In general, complaints must be filed within 180 days of the alleged discrimination. An exception exists for complaints which allege unlawful reliance on criminal records; Connecticut law requires that the complaint be filed within thirty days.

Noncompliance with affirmative action program. If an employee believes that there has been a failure to comply with the board's affirmative action program, a written complaint may be submitted to the president. If the response of the president is unsatisfactory or if the alleged violation is attributed to the president, a written complaint may be filed with the chancellor. If the response of the chancellor is unsatisfactory or if the alleged violation is attributed to the chancellor, a complaint may be filed with the chairperson of the board of trustees. Review hereunder is separate from the grievance steps below.

Notice. The college president or designee is responsible for providing a notice to all employees indicating that an affirmative action grievance procedure is available. This notice shall provide a guarantee of nonretaliation for the exercise of rights granted pursuant to the affirmative action grievance procedure and state the name and work location of the college affirmative action person.

It will further provide advisement to employees of the legal options to file complaints with the Connecticut commission on human rights and opportunities; the United States equal opportunity commission; the United States department of labor, wage and hour division; and any other agencies, state, federal, or local that enforce laws concerning discrimination in employment. A model notice to grievants is attached.

Training. A plan for periodic training in counseling and grievance investigations will be developed and implemented by the affirmative action officer at the system office in cooperation with the equal opportunity council and such other individuals and agencies as the chancellor may designate. Periodic training will be made available to all appropriately designated personnel responsible to administer affirmative action grievances.

Affirmative action plan reports. In accordance with section 46a-68-46(c), a summary of matters alleged in grievances, the results of the grievance, and the time required to process it will be provided to the commission on human rights and opportunities. Where an informal complaint results in a formal complaint with an enforcement agency, such complaint and its status shall also be reported to the commission.

All records of grievances shall be reviewed on a regular basis by the affirmative action officer to detect any patterns in the nature of the grievances. All records relevant to employee grievances filed under this section shall be maintained by the college.

Grievance procedure steps.

1. The grievant must file a written complaint, as provided above. Although not mandatory, grievants are encouraged to seek informal resolution of complaints filed with the college affirmative action person. The affirmative action person or other designated representative is available to the grievant for counseling. Such counseling shall be confidential, consistent with applicable law.
2. Upon receipt of the complaint, the affirmative action person should meet with the grievant. The purpose of this meeting is to clarify the complaint and to elicit relevant information and documents from the grievant.
3. The affirmative action person or other designated representative of the president will investigate all grievances. Following completion of his or her investigation, the affirmative action person shall make a report to the president. The report shall summarize the claim and the factual basis asserted by the grievant, the facts which the investigation has revealed, and whether the affirmative action person recommends (a) informal resolution or (b) further review by the president. The affirmative action person is not expected to determine the merits of the complaint or to make conclusions with respect to facts in dispute. Where the conduct complained of relates to the president, a copy of the report shall be submitted to the chancellor. After consultation with the president, the affirmative action person may be authorized to attempt to mediate the dispute. The purpose of this mediation is to effect prompt resolution of informal grievances.
4. The disposition of the complaint at the college level shall be determined by the president and communicated in writing to the grievant. Steps (2) through (4) should be completed within fifteen working days, except where informal resolution is implemented. In this case, the president may extend this period for up to an additional fifteen working days. If the process is not completed within thirty working days, the grievant may move the grievance to the level of the chancellor, as provided in paragraph (5).
5. Within fifteen calendar days of receipt, the grievant may appeal the president's response by submitting a written statement of appeal to the chancellor.
6. The appeal shall be reviewed by a designee of the chancellor and two campus affirmative action persons. In the case of appeals made directly to the chancellor (claims regarding single vacancies), he or she shall make or authorize such investigation as is appropriate to the time frame. The responses of the chancellor shall be made in writing to the grievant within thirty working days of the date the grievance is received at his or her level or within seventy-five days of the initiation of the process specified in paragraph (2), whichever is later.

(Adopted October 10, 1975; amended February 19, 1983, April 23, 1984, November 17, 1986, March 23, 1987, February 26, 1990, and March 16, 1998)

MODEL NOTICE

MEMORANDUM

TO: Employees who may wish to utilize the affirmative action grievance procedure

FROM: President

The affirmative action grievance procedure is a component of the college's commitment to ensure that employment decisions are free from unlawful discrimination. The procedure affords an informal means to raise concerns and for the college to make adjustments where appropriate. Employees who utilize the grievance procedure will not be subject to retaliation.

The affirmative action officer will investigate all grievances. After consultation with the president, the affirmative action officer may attempt to mediate the dispute. The purpose of this mediation is to effect informal resolution of the complaint. The affirmative action officer does not make conclusions about the merits of a complaint or resolve disputes about the facts of a case. If it is not possible to reach an amicable understanding, the employee retains the right to pursue other options.

Complaints may be filed with the Connecticut commission on human rights and opportunities; United States equal employment opportunity commission; United States department of labor, wage and hour division; and any other agencies, state, federal, or local, that enforce laws concerning discrimination in employment. The Connecticut commission on human rights and opportunities can provide assistance in filing and determining the legal options which may be available. In general, complaints must be filed within 180 days of the alleged discrimination. An exception exists for complaints which allege unlawful reliance on criminal records; Connecticut law requires that the complaint be filed within thirty days.

2.1.4 Affirmative Action Grievance Procedure - Technical Revision

The board of trustees authorizes the chancellor to revise the affirmative action grievance procedure in order to effect technical compliance with evolving interpretations of applicable regulations.

(Adopted June 15, 1987)

2.1.5 Racism and Acts of Intolerance - Policy Statement

POLICY ON RACISM AND ACTS OF INTOLERANCE

The community colleges have long been committed to providing educational opportunities to all who seek and can benefit from them, as evidenced in the mission statements and policies concerning student rights, affirmative action, and equal opportunity. The board and the colleges recognize that an important part of providing opportunity is creating a welcoming environment in which all people are able to work and study together, regardless of their differentness. At the same time, colleges and universities have traditionally been at the cutting edge of protection of our most cherished freedoms, most notably freedom of speech and non-violent action, which protect even unpopular or divisive ideas and perspectives.

Such constitutionally-protected expression can contribute to an unwelcoming and even offensive social and educational environment for some individuals in the college community, particularly when it concerns race, religion, sex, sexual orientation, disability, national origin, or ethnicity, and the first amendment does not preclude colleges from taking affirmative steps to sensitize the college community to the effects of creating such a negative environment.

Therefore, the community colleges recognize that they have an obligation not only to punish proscribed actions, but also to provide programs which promote pluralism and diversity and encourage the college community to respect and appreciate the value and dignity of every person and his or her right to an atmosphere not only free of harassment, hostility, and violence but supportive of individual academic, personal, social, and professional growth.

Acts of racism or harassment directed against individuals or specific groups of individuals will not be tolerated and will be dealt with under the employee affirmative action grievance procedures and the student grievance and disciplinary procedures.

Each college will provide a comprehensive educational program designed to foster understanding of differentness and the value of cultural diversity. This will include plans to (1) promote pluralism, (2) educate the college community about appropriate and inappropriate behaviors to increase sensitivity and encourage acceptance, and (3) widely disseminate this policy statement to the entire college community.

(Adopted February 26, 1990)