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TITLE: EQUAL EMPLOYMENT OPPORTUNITIES

EFFECTIVE DATE: January 20, 2015

LAST REVISION: Initial*

Policy No. 201

STATEMENT OF POLICY

Baton Rouge Community College (BRCC) is committed to providing a positive working environment for its employees. BRCC assures equal opportunity for all qualified persons without regard to race, color, religious or political affiliation, gender, sexual orientation, citizenship, national origin, age, disability/handicap, marital status or veteran's status, pregnancy, child birth and related medical conditions, and the sickle cell trait the participation in, or employment in the programs and activities of BRCC.

It is the policy of BRCC to recruit the best individuals available in accordance with appropriate state and federal laws and acceptable human resources practices. Employment practices shall be supervised on a continuous basis to assure that all budget unit heads take positive action in fulfilling the goals of equal employment opportunity. BRCC adheres to all equal opportunity provisions of federal and state civil rights laws and regulations that are applicable to the College-Title VI of the Civil Rights Act of 1964, as amended; Executive Order 11246, the Louisiana Rehabilitation Act of 1973 (Sections 503 and 504); the Age Discrimination in Employment Act of 1967, as amended; the Vietnam Era Veterans Readjustment Act of 1974, the Americans with Disabilities Act of 1990; and the Civil Rights Act of 1991.

No member of the BRCC community may discriminate against another. This includes discrimination of an employee by another employee, of a student by an employee or of an employee by a student. Visitors to the campus are also covered by this policy should the alleged incident occur on BRCC property. Additionally, BRCC does not tolerate discrimination of its employees at campus-sponsored events or programs held at off-campus locations or by non-institutional personnel in programs sponsored or supported by the institution. BRCC has established the procedures outlined in this memorandum for employees who believe they have experienced discrimination to have their complaints handled promptly and to receive due process for the filing of grievances.

DEFINITIONS

1. *Discrimination*

As defined by the Equal Employment Opportunity Commission, "discrimination" is: Discrimination is any overt action in which a member of a group is afforded unfavorable or disparate treatment because of his/her race, color, religious or political affiliation, gender, sexual orientation, citizenship, national origin, age, disability/handicap, marital status or veteran's status.

2. *Complainant*

"Complainant" is defined as the person referred to during the informal process who has alleged that he/she is a victim of discrimination.



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3. Respondent

"Respondent" is defined as the person whom the complainant alleges is guilty of discrimination.

GENERAL PROVISIONS

- A.** BRCC will ensure that the following will be implemented at all levels of administration:
 - 1. Recruit, hire, place, train and promote in all job classifications without regard to non-merit factors, such as race, color, age, religion, sex, national origin, disability, veteran status, or any other factor protected by law, except where there is a bonafide occupational qualification.
 - 2. Identify and use existing talent and potential through upgrading and promotion of present employees. All promotions will be based only on valid equal employment opportunity.
 - 3. Base decisions on employment so as to further the principles of equal employment opportunity.
 - 4. Ensure that all personnel actions such as compensation, benefits, transfers, layoffs, recall from layoffs, education, tuition assistance, and social and recreation programs be administered without regard to race, color, religion, sex, age, national origin, disability, veteran status or any other non-merit factor.

- B.** A complaint of discrimination should be presented as promptly as possible after the alleged discrimination occurs, but not later than six (6) months after the alleged occurrence. There may be exceptions to this statute of limitation as determined by current equal employment opportunity regulation.

- C.** A complainant may file multiple complaints against the same respondent.

- D.** The confidentiality of each case is observed provided it does not interfere with the institution's ability to investigate or take corrective action.

- E.** False charges are treated as serious offenses. Civil action may follow false or frivolous complaints and grievances.

- F.** The fact that someone did not intend to discriminate against an individual is no defense to a complaint of discrimination. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes discrimination.

- G.** Retaliation against anyone reporting or thought to have reported discriminatory behaviors or who is a witness or otherwise involved in a discrimination proceeding is prohibited. Such retaliation is considered a serious violation of the policy and is independent of whether a charge or informal complaint is substantiated. Encouraging others to retaliate also violates this policy.



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- H. It is encouraged that complaints of discrimination are handled informally, where possible. Informal procedures are optional and individuals can choose to bypass them, discontinue them or request a formal hearing while using them. The purpose of dealing with a complaint informally is to investigate the alleged offending behavior and to resolve the matter as expeditiously as possible.
- I. If the final decision may result in termination, separation, revocation of tenure, or expulsion, the individuals involved in the investigation and/or hearing must be especially careful to respect the due process rights of all parties involved.

All BRCC personnel with responsibility for recruitment, appointment, placement, evaluation, transferring, or any other aspect of personnel management are charged with the responsibility of seeing that this policy is successfully implemented by giving it full support through active cooperation and example. All such persons shall be evaluated on the basis of their equal opportunity efforts and results in addition to the usual standards of performance. Persons who fail to adhere to the Equal Employment Opportunity policy are subject to disciplinary action, up to and including termination.

PROCEDURES

- A. Complaints of discrimination shall be made to the BRCC Office of Human Resources (OHR) or its designee.
- B. Should a faculty or staff member be approached by a member of the BRCC community with a complaint of discrimination, it is recommended for him/her to encourage the complainant to go to OHR with the complaint. It is further recommended that the faculty or staff member escort the complainant to OHR.
- C. If the complainant is willing to meet with OHR, the complainant is assured of the seriousness with which BRCC takes such complaints. Options for resolution are explored including the possibility of a conference with the two involved parties and OHR. Depending on the facts of the incident, OHR may provide assistance to the complainant on ways to cope with the alleged behavior personally. OHR explains the informal complaint process; the advisability of a written statement outlining the complaint and proposed action to resolve the complaint, with any collaborating documentation attached; the legal ramifications of false accusations; BRCC's commitment to preventing retaliation to the extent possible; and the limits on maintaining confidentiality.
- D. Where parties attempt an informal resolution, a satisfactory agreement between the parties may be reached and no further action is required. The mutually agreed-upon resolution may consist of a warning to the respondent and an agreement by him/her to cease the alleged offensive conduct, an apology to the complainant, a letter of reprimand to the respondent (to be filed in the employee's personnel file), or other, similar solutions.



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Policy Reference:

Title VII of the Civil Rights Act of 1964 (as amended)

Executive Order 11246, The Louisiana Rehabilitation Act of 1973 (Sections 503 and 504)

Age Discrimination in Employment Act of 1967 (as amended)

Americans with Disabilities Act of 1990

Vietnam Era Veterans Readjustment Assistance Act of 1974

Civil Rights Act of 1991

Louisiana Community and Technical College System *Policy #6.011 Harassment*

Louisiana Community and Technical College System *Policy #6.022 Equal Opportunity*

Source of Policy: As listed

BRCC Policy #219

Grievances for All

Related Policy: Employees

Approved by: 

Chancellor Andrea Lewis Miller

Responsible Administrator: Human Resources

LCTCS Policy Reference: #6.022

LCTCS Guideline Reference: Article 2, Sect 2

Date: 1/20/2015