



# Policy of Equal Opportunity and Affirmative Action

## *Responsibility*

The President of the College has delegated responsibility to the Affirmative Action Committee

## *Review*

Policy is reviewed by the Affirmative Action Committee on an annual basis.

*Reviewed and Revised by Legal Counsel  
September 2006*

Elms College is committed to providing faculty, staff and students with an environment free of discrimination and harassment in which they may pursue their careers or studies. The College, through its President and Board of Trustees, reaffirms a policy of equal opportunity and nondiscrimination in employment, as well as in the recruitment, admissions and retention of students. As an institution of higher education, Elms College constantly seeks a diverse and talented student body, faculty, and staff to enrich the educational experience of all. It is the policy of Elms College not to discriminate against any individual on the basis of race, color, religion, sex, age, national or ethnic origin, sexual orientation, mental or physical disability, service in the uniformed services, or genetic information.

Elms College is committed to ensuring that all education and personnel actions are administered on a non-discriminatory basis. Elms College also identifies and removes any barriers to equal access and equal treatment for all members of its community.

Elms College recognizes the value of diversity in both the employment and educational environment and takes affirmative action in developing opportunities for under-represented groups in employment and admissions. All Administrative offices of the College are responsible for implementing this policy in the area of his or her responsibility. The Equal Opportunity and Affirmative Action Policy (hereinafter "EO/AA Policy") commits the College to continuous evaluation of progress towards this goal. It communicates the importance of this program and assures that each officer understands his/her responsibility to support its effective implementation.

## PROVIDING EDUCATIONAL OPPORTUNITIES

As an institution of higher education, Elms College implements federal law prohibiting discrimination in participation of and access to educational opportunity. Among these are Title VI of the Civil Rights Act as amended, which prohibits discrimination on the basis of race, color, or national origin; Section 504 of the Rehabilitation Act of 1973; and Title IX of the Education Amendments of 1972. Accordingly, Elms College does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, or mental or physical disability in the administration of the College's educational policies, scholarship and loan programs, athletics, housing, and other College--administered programs, nor in recruiting, hiring, promoting, training, and providing benefits for students employed by the College.

## LEGAL REQUIREMENTS FOR ENFORCEMENT

As an employer, Elms College must comply with federal and state nondiscrimination employment requirements. Among these are Title VII of the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color, sex, religion, or national origin; the Americans with Disabilities Act of 1990, which prohibits discrimination against otherwise qualified individuals with disabilities; the Age Discrimination in Employment Act of 1963, which prohibits discrimination on the basis of age; the Equal Pay Act, which prohibits discrimination in pay on the basis of sex; and Chapter 151B of the General Laws of Massachusetts, which makes it unlawful to discriminate in employment based upon age, race, color, national origin, religion, sex, sexual orientation, handicap, genetic information, or service in the uniformed services. All of these legal requirements are enforced under the EO/AA Policy as stated.

## RESPONSIBILITY FOR IMPLEMENTING AND MONITORING

The Board of Trustees and the President are ultimately responsible for the College's EO/AA Policy. Responsibility is then delegated through the vice presidents and deans to chairpersons, manager and supervisors – those who are in a position to affect the recruitment, admissions, employment and treatment of all students, faculty, and staff. The Affirmative Action Committee is responsible for assisting all College authorities with implementation, for evaluating activities, and for hearing grievances that are filed. Should a grievance be filed during a time when the College is not in session, the Affirmative Action Committee will be convened by the chairperson or his/her representative as soon as is practicable.

## THE AFFIRMATIVE ACTION COMMITTEE

The Affirmative Action Committee is a standing committee appointed by the President and directly responsible to the President of the College. It is composed of the following members: the Vice President of Student Affairs, four faculty members, the Director of Student Life, the Director of Human Resources, an admissions counselor, a staff representative, three students, (one being non-traditional). The Committee monitors Elms College's equal opportunity and non-discrimination policies in education and employment.

The Committee's responsibilities include:

1. To assist in the dissemination of the policy statement to the community.
2. To identify and remove barriers to equal access and equal treatment.
3. To insist upon and to review record--keeping systems that will track the effectiveness of the College's EO/AA Policy.
4. To review and promulgate the College's EO/AA Policy.
5. To review appropriate affirmative action objectives for the coming year and to evaluate the progress with the Vice President for Academic Affairs for faculty, the Director of Human Resources for non-faculty areas, the Director of Admissions and Financial Aid, and the Vice President of Students. This process will normally occur in the second semester of the each year.
6. To receive and process grievances alleging violations of the College's EO/AA Policy.

Persons with questions about the College policy concerning equal opportunity and/or affirmative action should consult with this Committee. The Committee encourages calls from persons with questions or complaints about discrimination. It can provide advice, act as a neutral third party to help resolve disputes and conflicts related to such matters or process formal grievances.

## DISSEMINATION OF POLICY

The phrase "Equal Opportunity Employer" will be printed on all College printing, such as catalogs, brochures, personnel forms, and policy handbooks for faculty, students, and staff.

The College's EO/AA Policy will be explained by the Committee to all supervisory personnel, including the student employment coordinator at the opening of the academic year. It is important that they understand their responsibility, in order for it to be effectively implemented. A copy of the EO/AA Policy will be on file in the Library and in all administrative offices.

## PRELIMINARY PROCEDURES AND COUNSELING OPTION

If you believe you are the victim of discrimination and/or harassment, in addition to the right to file a complaint, you may also seek advice from a member of the Affirmative Action Committee. This person is available to discuss any concerns you may have and to provide information to you about our policy on discrimination and our complaint process. If you desire, this individual will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is practicable.

## GRIEVANCE PROCEDURES

Any person who believes that he/she is the victim of discrimination in violation of the College policies has the right to institute grievance procedures. A complaint may be made orally or in writing. When we receive the complaint, we will investigate the allegation in a fair and expeditious manner. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed discrimination.

Throughout all investigations of complaints, both formal and informal, alleging discrimination, effort will be made to protect the confidentiality of the proceedings and of the identities of the parties to the complaints, but no promise is made of absolute confidentiality, as to do so may compromise the ability of the investigatory committee to follow the procedures outlined above.

If our investigation reveals that discrimination did occur, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action which could include termination from employment. When we have completed our investigation, we will inform the complainant and respondent of the results of that investigation.

If you would like to file a written complaint, submit a written description of the alleged discrimination to the Affirmative Action Committee and your immediate supervisor or designated College administrator preferably within twenty working days of the act or conduct in question. In cases where the supervisor or administrator is accused in the complaint, students and employees may seek assistance from the College administrator who oversees the person accused.

### SUPERVISOR/COLLEGE ADMINISTRATOR

- a. Vice President of Academic Affairs
- b. Director of Human Resources
- c. Vice President of Student Affairs

### GROUP SERVED

- faculty and students
- non-faculty employees
- all students

In a written statement:

- A. Describe the violation
- B. State facts surrounding the violation
- C. State the remedy/resolution sought

## DISCIPLINARY ACTION

If discrimination has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in duties, transfers and other formal sanctions including termination from employment.

Nothing in the above grievance procedure shall be construed as denying the complainant the right to pursue his or her rights under any local, state, or federal law.

Retaliation against an individual who has complained about discrimination or cooperated in an investigation will not be tolerated and will also result in disciplinary action.

## STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subject to discrimination, you may file a formal complaint within 300 days of the alleged act of discrimination, the following government agencies:

1. The United States Equal Employment Opportunity Commission (Employees)  
One Congress Street  
Boston, MA 02114  
(617) 565-2011
2. The Massachusetts Commission Against Discrimination (Employees & Students)  
Boston Office:  
One Ashburton Place – Room 601  
Boston, MA 02108  
(617) 727-3990  
  
Springfield Office  
436 Dwight Street – Suite 200  
Springfield, MA 01103  
(413) 739-2145
3. The Office of Civil Rights of the United States Department of Education (Students)  
J.W. McCormack Post Office and Courthouse – Room 707  
Boston, MA 02109-4557  
(617) 223-9662