

TO: Faculty and Staff

FROM: Essie Cleveland, Exec Dir of Human Resources & Employee Relations

SUBJECT: PTC Policies Regarding Sexual Harassment, Discrimination and The Americans with Disabilities Act (ADA)

Please review the attached PTC policies regarding Sexual Harassment (2.34), Discrimination (2.05 and 4.25), and Disability Harassment (5.91). A copy of the college Grievance Procedure (2.33) is also attached.

It is important that all employees be made aware of the attached policies including but not limited to the following points:

- PTC is committed to complying with state and federal laws concerning harassment or discrimination against any individual based on sex, race, color, religion, national origin, age or disability.
- There are two types of sexual harassment, both unacceptable:
 - (1) “quid pro quo” (promising something in return for sexual favors)
 - (2) “hostile environment” (creating an unpleasant environment for an individual as a result of actions or comments relating to their gender)
- We can minimize the potential for discrimination in employment and in the classroom by:
 - (a) having clear rules (about employment and instruction) and
 - (b) applying the rules equitably to each employee or student.

Please report any concerns about sexual harassment, discrimination, or ADA compliance to your supervisor, the next level supervisor, and/or the PTC Grievance Officer.

Thank you for helping us to comply with these important laws.

PULASKI TECHNICAL COLLEGE
Operating Policies

Policy Number: 2.34

Subject Area: Personnel Policies

Policy: Sexual Harassment Policy

Date Adopted: 7/93 Revised: 4/03

It is the policy of Pulaski Technical College that sexual harassment, as defined in the Federal Guidelines (29 CFR Ch XIV, subsection 1504.11), Section 703 of Title VII of the Civil Rights Act of 1964, as amended, and Arkansas Act 563 of 1985, which amends Subsection (8) of Section 1801 of Act 280 of 1975 in the Arkansas Criminal Code, is intolerable and unconscionable and will not be tolerated by Pulaski Technical College. Persons who are found to have committed and/or knowingly permitted acts of sexual harassment will be subject to disciplinary action up to and including immediate dismissal from employment.

It is also the policy that all employees be given the opportunity through established steps and processes as specified in the grievance procedure, to resolve sexual harassment complaints. This policy does not reflect any change in the grievance procedure.

Employees should submit complaints made in good faith, expressed in reasonable terms, containing cause of the complaint, corrective action desired and sufficient information upon which to base decisions. Complaints must be submitted within five (5) working days of the occurrence of the act(s), in accordance with the PTC Grievance Procedure (Policy 2.33).

PULASKI TECHNICAL COLLEGE
Operating Policies

Policy Number: 2. 05

Subject Area: Personnel Policies

Policy: Employee Recruitment and Selection

Date Adopted: 7/93 Revised: 4/03

Pulaski Technical College will make all personnel decisions without regard to race, color, creed, religion, sex, age national origin, or disability of qualified handicapped individuals. The following guidelines will be used in all hiring for the College to ensure compliance with federal equal employment opportunity and affirmative action regulations and guidelines, and to provide an effective system of monitoring procedures for affirmative action purposes:

1. When authorization to fill a faculty, administrative, or staff vacancy is granted, for either a new or vacant position, the responsible administrator will compile a record of the following information:
 - a. Title of position
 - b. Description of position duties
 - c. Salary range
 - d. Date position duties will commence
 - e. Contractual information
 - f. Required qualifications
2. All faculty and administrative staff appointments are required to be advertised.
3. Once an application is received, an effort must be made to obtain minority information for affirmative action purposes. It should be clearly understood that such information is for affirmative action purposes only and is not a part of the applicant's academic record. Note also that no institution can legally require compliance with this information in pre-hire inquiries if the applicant does not wish to provide the information.
4. Interview Committee will compile a list of applicants to be interviewed.
5. Status of applications received form must be completed and returned to Human Resources Office.
6. Interview Committee will make a recommendation to President.

PULASKI TECHNICAL COLLEGE
Operating Policies

Policy Number: 2.33

Subject Area: Personnel Policies

Policy: Grievance Procedure

Date Adopted: 7/93 Revised: 4/03

The College seeks to treat each employee fairly. This grievance procedure is intended to help promote that goal. Issues that are considered grievable include but are not limited to decisions affecting the employee relating to annual leave, sick leave, compensatory time, dismissal, suspension, promotion, disciplinary actions, discrimination, and sexual harassment. Issues that are not grievable include College policies, work assignments and reassignments, reductions in force, performance evaluations, matters that are outside the control of the College, and the results of a grievance proceeding.

All employees are encouraged to bring legitimate complaints to the attention of their immediate supervisor. A complaint must be registered within five working days of the incident prompting the complaint. Supervisors will provide time for complaint conferences as soon as possible, within five working days of the employee's complaint. The intent of these conferences is early and informal discussion of the issue in order to reach a timely and mutually satisfactory resolution.

Racial Discrimination and Sexual Harassment

An employee with a complaint involving alleged racial discrimination or sexual harassment by the immediate supervisor may request a conference with the next level supervisor or the Vice President for Administration. This conference will be held as soon as possible, within five working days of the employee's request.

Grievance Procedure

1. If a complaint cannot be resolved informally, the employee may submit a written grievance to the supervisor, within five working days *of* the complaint conference. If the grievance involves alleged racial discrimination or sexual harassment by the immediate supervisor, the employee may file the written grievance with the next level supervisor. The supervisor will meet with the employee within five working days after receiving the grievance and will respond in writing to the grievance within another five working days.

2. If the grievance is still unresolved, the employee may file the grievance with the next level supervisor, with a copy to the Executive Director of Human Resources, within another five working days. The supervisor will meet with the employee within five working days after receiving the grievance and will respond to the grievance in writing within another five working days.
3. If the grievance is still unresolved, the employee may file the grievance with the President. The President may request input from an ad hoc hearing panel or a fact finder. The hearing panel or fact finder will prepare a written report of findings and conclusions for the President, within ten working days after their appointment. Following receipt of the report, the President will render a written decision within ten working days. The President's decision will be final.

Failing a timely response at any level of the process, the employee may proceed to the next level. In the absence of timely action by the employee at any level of the process, the grievance will be considered to have been dropped. When warranted by special circumstances, the President may extend or modify the time limits specified.

At any time during the grievance process, the employee may consult with the Executive Director of Human Resources, who serves as the Affirmative Action Officer for the College.

Grievance Panels

Hearing panels will be selected from among members of the Pulaski Technical College faculty and staff in the following manner. The grievant will select one member of the panel. The respondent will select one member, and the Executive Director of Human Resources will select one member. The Executive Director of Human Resources will coordinate the hearing process and provide administrative support to the panel.

The hearing panel will hear the grievance, review relevant documentation, and interview witnesses as deemed necessary. Each party to the grievance will have an opportunity to recommend witnesses. Hearings will be closed to all but the panel, the grievant, the respondent, the Executive Director of Human Resources, and invited witnesses.

Records

A written record of each grievance proceeding will be maintained as a confidential file by the Office of Human resources indefinitely.

PULASKI TECHNICAL COLLEGE
Operating Policies

Policy Number: 4.25

Subject Area: Academic Policies and Procedures

Policy: Non-Discrimination

Date Adopted: 7/93

Purpose

Pulaski Technical College is an equal opportunity/affirmative action technical college.

Policy

The College seeks to develop degree credit programs, courses, and community service offerings and to provide open admission, counseling, and placement services for all persons, regardless of race, color, creed, religion, sex, national origin, physical and mental handicap, age or veteran status.

Procedures

Faculty are expected to fulfill their educational responsibilities in compliance with this policy.

Cases of perceived harassment or discrimination should promptly be reported to either the Vice President for Instruction, the Vice President for Student Services, or the President. All reported occurrences will be investigated and appropriate corrective action taken, if necessary.

PULASKI TECHNICAL COLLEGE
Operating Policies

Policy Number: 5.91

Subject Area: Student Services

Policy: Disability Harassment

Date Adopted: January 29, 2001

Pulaski Technical College prohibits the harassment of individuals based on disability in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the American with Disabilities Act of 1990.

Harassment based on disability shall be defined as criticizing, taunting, belittling, or denying education opportunities to an individual based on a documented disability.

The College will seek to prevent such Harassment by:

- Publishing this policy in student and faculty/staff handbooks
- Mentioning this policy in new student and faculty/staff orientations
- Proactively investigating and, where justified, redressing reported incidents of such harassment. Investigations will be the responsibility of the College's ADA compliance officer and/or the Vice President for Student Services, depending on the nature of the incident.

Individuals who feel they have been harassed on the basis of a documented disability will have access to the College grievance procedures.

Individuals who are found to have harassed another individual based on a disability will be subject to the disciplinary procedures of the College (reference Boar Policy 2.32 and code of student conduct).

The president will be advised of all findings of disability harassment and proposed disciplinary actions based on those findings.