

## 2.3 Affirmative Action and Equal Opportunity Plan

**Last Revised:** December 2022

**Policy:** Piedmont Community College (PCC) does not discriminate against any person in its employment practices on the basis of race, religion, national origin, gender, age, political affiliation, or disability--except for cases in which specific age, gender, physical, or mental requirements constitute bona fide occupational qualifications--in such manner consistent with achieving a staff of diverse and competent persons.

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### **Purpose/Definitions:**

#### **Purpose**

The purpose of this policy is to ensure all discriminating conditions, whether practiced purposefully or inadvertently, will be eliminated. Employment and personnel policies will be carefully and systematically examined to ensure these policies do not operate to the detriment of any person(s) on the grounds of race, religion, national origin, gender, age, political affiliation, or disability. To the maximum extent possible, all programs shall contribute to the elimination of gender stereotyping, architectural barriers, and artificial barriers to employment and training.

#### **Definitions**

**Affirmative action**—a set of procedures designed to eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future ([https://www.law.cornell.edu/wex/affirmative\\_action](https://www.law.cornell.edu/wex/affirmative_action)).

**Equal opportunity**—providing everyone the same opportunities for employment, pay, and promotion, without discriminating against particular groups (<https://www.collinsdictionary.com/us/dictionary/english/equal-opportunity>).

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**Approval Authority/Monitoring Authority:** Piedmont Community College's Board of Trustees has approval authority for this policy. The President; Vice President, Instruction; Vice President, Student Development; Vice President, Administrative Services/CFO; and the Vice President, Advancement and Communications have monitoring authority.

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**Procedure:**

**Section 1: Affirmative Action and Equal Employment Opportunity (AA/EEO) Officer Duties and Responsibilities**

- 1.1. The President will delegate authority and fix responsibility upon the Vice President, Administrative Services/CFO for the organization and management of the Affirmative Action and Equal Opportunity (AA/EO) Plan.
  - 1.1.1. When acting in this capacity, the Vice President, Administrative Services/CFO will be referred to as the AA/EEO Officer.
- 1.2. The AA/EEO Officer will coordinate efforts with the administrative staff of the College to establish the AA/EO Plan and to provide staff supervision and services to all divisions and departments regarding the AA/EO Plan.
- 1.3. The AA/EEO Officer assures all hiring managers are aware of the requirements of the AA/EO Plan to ensure the areas are making good faith efforts with respect to the implementation of this policy.
- 1.4. The AA/EEO Officer is responsible for the preparation and recommendation to the President of any new policies and procedures needed to achieve the following objectives of the plan:
  - 1.4.1. maintaining census data available at all times regarding distribution of employees
  - 1.4.2. supervising all personnel functions of the College to determine the existence of any evidence of discrimination related to the gender or minority status of any employee
  - 1.4.3. cooperating with any government agency to investigate complaints or to implement equal employment opportunity procedures
  - 1.4.4. preparing periodic reports on the status of the plan
  - 1.4.5. monitoring the overall progress of the plan
  - 1.4.6. monitoring the implementation of the AA/EO Plan and making recommendations to the President regarding any policy or procedure changes to affirmative action.

- 1.4.6.1. This shall include, without limitation, the responsibility to ensure that every application or contract document includes specific language related to compliance with this policy.
- 1.4.7. conduct surveys and prepare reports, with the assistance of the President, regarding the status of women and minority employment and related information, to determine the success or failure of the College's AA/EO Plan in accomplishing the following objectives:
  - 1.4.7.1. analyzing the hiring of women and minorities
  - 1.4.7.2. evaluating the recruitment process for women and minorities
  - 1.4.7.3. reviewing promotions and transfer of women and minorities
  - 1.4.7.4. reviewing the increase and decrease in the size of the workforce by gender and minority groups
  - 1.4.7.5. reviewing funding applications to assess equal employment opportunity implications and regulatory compliance
  - 1.4.7.6. conducting on-site reviews to ensure AA/EEO plan is implemented in compliance with regulations
  - 1.4.7.7. confirming that grievance and complaint procedures are in place
  - 1.4.7.8. determining that services are being provided equitably to all eligible persons
  - 1.4.7.9. recommending corrective action, providing technical assistance, and conducting necessary follow-ups
  - 1.4.7.10. documenting all of the foregoing
- 1.4.8. prepare an annual report of the College's workforce grouped by Office of Civil Rights (OCR) Code, with the total number of employees in each classification enumerated by gender and race.
- 1.4.9. In addition, the AA/EEO Officer will
  - 1.4.9.1. maintain a liaison with governmental officials and other groups concerned with affirmative action and equal opportunity plans

- 1.4.9.2. maintain a liaison with all organizations on the local level dealing with affirmative action
- 1.4.9.3. make periodic reports to the staff and faculty of the College on the progress of the AA/EO Plan
- 1.4.9.4. coordinate data gathering, data consolidation, and data analysis, and prepare reports required by external agencies.
- 1.4.9.5. chair the Employee Resources Committee. (See PCC Policy 2.27 Institutional Standing Committees)

Section 2: Hiring and Termination

- 2.1. PCC Policy 5.15 Recruitment and Appointment includes procedures that address recruitment, advertising, minimum posting schedule, candidate selection process, and onboarding.
- 2.2. The AA/EEO Officer or designee analyzes and documents all hires and terminations by race and gender annually.
- 2.3. The AA/EEO Officer analyzes the recruitment process annually.
  - 2.3.1. The recruitment process will continue to include required written notification of the College's Statement of Commitment to Equal Employment Opportunity.

Section 3: AA/EEO Officer's Candidate Selection Responsibilities

- 3.1. The AA/EEO Officer performs a periodic review of the total selection process to assure that applications are received and that employees are selected without regard to race, religion, national origin, gender, age, political affiliation, or disability.
- 3.2. This review includes the application for employment, interviewing procedures, employment standards, job description, employee specification, and the selection process.
- 3.3. The AA/EEO Officer approves the Full-time Employment Recommendation form to acknowledge that the College is in compliance with the AA/EO Plan.

Section 4: Promotions and Transfers

- 4.1. The AA/EEO Officer or designee performs an analysis at least annually of promotions based on race and gender.
- 4.2. The AA/EEO Officer approves each memorandum requesting promotions or transfers to acknowledge that the College is in compliance with the AA/EO Plan. (See PCC Policy 5.15 Recruitment and Appointment for more information.)
- 4.3. In areas where it has been determined that women or minorities are underutilized, special efforts consistent with college requirements will be made to correct the deficiency.

Section 5: Grievance and Complaint Procedure

- 5.1. All grievances and complaints involving the applicability or implementation of this policy will be processed pursuant to the provisions of Policy 5.20 Employee Grievance Procedure.
- 5.2. Grievances involving any educational programs that include federal or state employees must also be processed in compliance with the latest Non-Discrimination/Equal Opportunity Standards and Employee Grievance Procedures, to the extent that the requirements thereof are not met by the college policies referenced above.

Section 6: Dissemination of Plan

- 6.1. The AA/EO Plan will be distributed internally and externally via advertisements and publications of the College.
- 6.2. The AA/EO Plan will be made available on the College's web site.

Section 7: Statement of Compliance

- 7.1. As a member of the North Carolina Community College System, Piedmont Community College affirms assurance of compliance with all requirements imposed by and pursuant to Title VI of the Civil Rights Act of 1964 and the related regulations issued subsequently, as well as all other applicable provisions of federal law and regulations regarding equal opportunity, to the end that no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination regarding any activity at PCC on the grounds of race, religion, national origin, gender, age, political affiliation, or disability. No individual will be denied employment at

Piedmont Community College on the grounds of race, religion, national origin, gender, age, political affiliation, or disability.

- 7.2. The College will make all reports and assurances required by any federal or state agency relative to any matters which are the subject of this statement of compliance.

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**Legal Citation:** [N.C.G.S. 115C-321](#), [N.C.G.S. 115D-29](#), [N.C.G.S. 115D-77](#), [N.C.G.S. 122C-158](#), [N.C.G.S. 126-22](#), [N.C.G.S. 153A-98](#), [N.C.G.S. 160A-168](#), [N.C.G.S. 162A-6.1](#), [1C SBCCC 200.96](#), [1C SBCCC 200.97](#)

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**History:** Effective April 1975; Revised January 1988, October 2001; Reviewed March 2010; Revised September 2011, October 2011, August 2020—cross-references PCC Policy 5.15 Recruitment and Appointment, December 2022

Cross-references PCC Policies 2.12 Drug Free College and Substance Abuse, 2.27 Institutional Standing Committees, 5.15 Recruitment and Appointment, and 5.20 Employee Grievance Procedure

## **2.3 Exhibit – Employee Resources Committee**

The Employee Resources Committee is an institutional standing committee with representatives from faculty and staff, including the Director, Human Resources and Organizational Development. The Vice President, Administrative Services/CFO serves as chair. Responsibilities of this committee include, but are not-limited to, the following:

1. To promote a healthy environment to the College community.
2. To review and recommend revisions to Section 5—Personnel of the PCC Policy Manual.
3. To promote and clarify fringe benefits available to college employees.
4. To provide alcohol and drug abuse program resources, in compliance with the Drug Free Schools and Community Act of 1989 (Public Law 101-226) and the College's Policy 2.12 Drug Free College and Substance Abuse.
5. To evaluate the needs and interests of faculty/staff regarding employee benefits (biennial).
6. To serve in an advisory capacity to the President in any case or circumstances referred to the committee in the area of fringe benefit options or alcohol and drug abuse.
7. To review Policy 2.3 Affirmative Action and Equal Opportunity Plan and recommend revisions as appropriate.
8. To monitor compliance of the American with Disabilities Act (ADA).
9. To serve in an advisory capacity to the President in any case or circumstance referred to the committee in the area of affirmative action.