

ILLINOIS BOARD OF HIGHER EDUCATION

**FISCAL YEAR 2020
AFFIRMATIVE ACTION PLAN**

Submitted to:

The Illinois Department of Human Rights

September 2, 2019

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SECTION ONE

**A. Equal Employment Opportunity / Affirmative Action
Program Certification**

Agency: Illinois Board of Higher Education

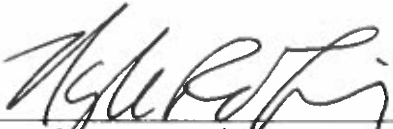
Main Address: 1 North Old State Capitol Plaza, Suite 333,
Springfield, IL 62701- 1377

Telephone Number: 217-782-2551 (voice)
TTY / NEXTALK 888-261-2881 (TTY)

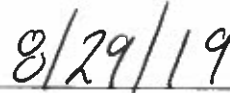
Interim Executive
Officer: Nyle Robinson

EEO/AA Officer: Arthur Sutton

This is to certify that the attached document represents the Equal Employment
Opportunity/Affirmative Action Program of the Illinois Board of Higher Education.



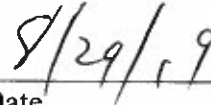
Nyle Robinson, Interim Executive Director



Date



Arthur Sutton, EEO/AA Officer



Date

B. POLICY STATEMENT

Policy Statement

It is the policy of the Illinois Board of Higher Education ("IBHE") to provide equal opportunity for employment as well as equity of conditions in the work environment with regard to sex, race, color, age, national origin/ancestry, citizenship status, arrest record, military status, unfavorable discharge from military service, religion, economic status, disability, or other non-merit factors including, but not limited to, sexual orientation, order of protection status, marital or parental status, and/or physical stature.

The IBHE is committed to implementing sexual harassment policies and providing appropriate awareness and training programs. The IBHE will provide reasonable accommodation to persons with known disabilities unless such accommodation would cause the IBHE undue hardship. This policy is applicable to all IBHE practices regarding employment matters related to recruitment, examination, appointment, training, promotion, retention, or any other personnel-related transactions.

The IBHE, as an employing agency, shall develop and conduct an Affirmative Action Program to ensure that realistic and appropriate goals are established and realized. The employees of the IBHE should be representative of the available workforce within the geographical area identified for each job category.

Certification by Executive Director

As Executive Director for the IBHE, I hereby affirm my commitment to equal employment opportunity and affirmative action by endorsing this Affirmative Action Plan and further ensuring that:

1. Decisions regarding recruitment, hiring, training, promotion, layoff, and awarding of the benefits must be made without regard to the following bases, including, but not limited to race, color, religion, sex, sexual orientation, national origin/ancestry, citizenship status, disability, age, order of protection status, marital status, arrest record, military status, including veteran status, and unfavorable discharge from military service;
2. The IBHE is committed to undertaking affirmative action to correct underutilization of minorities and females in all levels of employment, as well as persons with disabilities;
3. We will further our minority outreach by enlisting support from organizations such as the Illinois Latino Council on Higher Education (ILACHE) and the Illinois Committee on Black Concerns in Higher Education (ICBCHE). We will also solicit support from prominent individuals that serve underrepresented and disabled populations who can assist in the recruitment and hiring of qualified minority, female, or disabled individuals;
4. The support and commitment is expected of all executive, managerial, and supervisory staff in implementing the IBHE's Affirmative Action Plan;

5. The IBHE is committed to implementing sexual harassment and other harassment policies and programs;
6. The IBHE is committed to undertaking affirmative action to increase the number of persons with disabilities in the agency as a whole; and
7. The IBHE is committed to promptly addressing all complaints of discrimination and/or harassment and encourages all employees who feel they have been discriminated or harassed to file an internal complaint without fear of retaliation.



Nyle Robinson, Interim Executive Director



Date

C. AGENCY PROFILE

The Illinois Board of Higher Education (IBHE) is responsible for planning and coordinating the State's system of higher education. The Board is comprised of sixteen members: ten members appointed by the Governor with the advice and consent of the State Senate; one member appointed by the Governor to represent public universities; one member appointed by the Governor to represent private colleges and universities; the chairs of the Illinois Student Assistance Commission and the Illinois Community College Board; and two student members selected by the IBHE Student Advisory Committee. The Governor designates the person who serves as chair, and members of the Board select a vice-chair from among their membership.

The statutory authority of the Illinois authority of the Illinois Board of Higher Education is set forth in the Illinois Compiled Statutes (105 ILCS 205). In summary, the IBHE has the following statutory responsibilities:

1. Master Planning: To engage in a continuing analysis of the aims, needs and requirements of higher education and accordingly to modify policies that guide the state's system of public and private colleges and universities;
2. Program Approval: To approve or deny proposals by public university governing boards, and the Illinois Community College Board for new units of instruction, research, or public service; and to review existing instruction, research, or public service programs to determine their continued educational and economic justification;
3. Budget: To recommend to the Governor and General Assembly budgetary needs for higher education institutions and agencies;
4. Grants Administration: To administer state and federal grant programs;
5. Operational Approval: To authorize independent and out-of-state institutions to operate and offer degree programs in Illinois; and to conduct on-going reviews to assure that these institutions maintain the conditions under which they were authorized to operate and grant Degrees and to revoke operating authority as determined necessary;
6. Information System: To maintain an information system about Illinois higher education.

The Board appoints an Executive Director who, with the concurrence of the Board Chair, is authorized to employ and fix the compensation of such professional, technical, clerical staff, and other assistants (including consultants) as deemed necessary within the respective classifications and salary ranges set forth by the Board on a full- or part-time basis and within the constraints of the appropriations and grants available. The IBHE is part of the State Universities Civil Service System.

IBHE statistics at July 1, 2019 indicate the agency is at parity and there is no underutilization in any of the identified employment categories. However, affirmative recruitment efforts are ongoing to identify qualified minority and disabled candidates in all classifications as position vacancies occur.

D. IDENTIFICATION AND DUTIES OF EEO/AA OFFICER

The Equal Employment Opportunity/Affirmative Action Officer for the Board shall advise the Executive Director on the problems, issues, and laws related to equal employment opportunity and affirmative action. The Equal Employment Opportunity/Affirmative Action Officer reports directly to the Executive Director on all matters concerning affirmative action. The officer so appointed for fiscal year 2020 is:

Arthur Sutton
Illinois Board of Higher Education
1 North Old State Capitol Plaza, Suite 333
Springfield, IL 62701-1377
217/557-7347
TTY 888/261-2881

The duties of the EEO/AA Officer include, but are not limited to those delineated below:

1. To develop the Board's affirmative action plan, goals, and objectives;
2. To assist in identifying and solving EEO problems;
3. To design and implement internal audits and reporting systems for measuring the effectiveness of agency programs, and determining the degree to which the agency's goals and objectives have been met;
4. To serve as liaison between the agency and EEO enforcement authorities;
5. To serve as liaison between the agency, minorities, women and disability organizations;
6. To enlist support from organizations such as the Illinois Latino Council on Higher Education (ILACHE), the Illinois Committee on Black Concerns in Higher Education (ICBCHE) to further our minority outreach; and other cultural organizations;
6. To inform management of developments in the EEO field;
7. To assist in the evaluation of employees and job applicants so that minorities, women and disabled persons are given equal employment opportunity;
8. To regularly confer with managers, supervisors and employees to assure that the Agency's EEO policies are observed;
9. To advise managers and supervisors if employment practices comply with the Act;

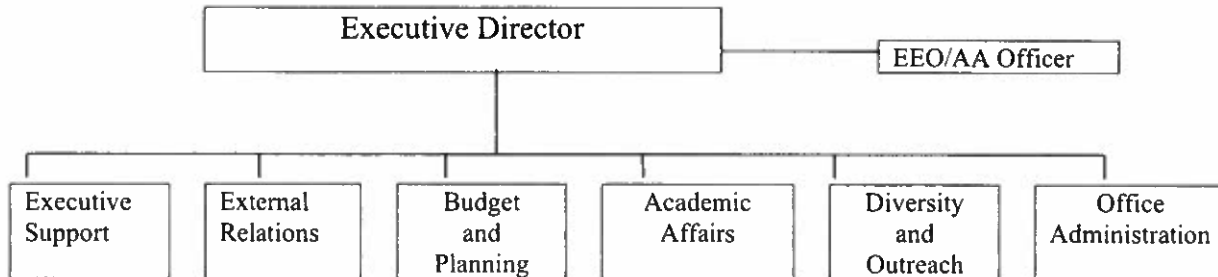
10. To report to the Department all internal and external complaints of discrimination against the agency;
11. To assist in the investigation of internal and external complaints of discrimination as specified in Section 2520.790(a & b) of these regulations:
12. At the request of the agency's chief Executive Officer, to direct agency staff in taking appropriate action to correct discriminatory practices identified by the Department and report to the Chief Executive Officer on the progress of actions taken;
13. In conjunction with the filing of quarterly reports, to submit recommendations to the Chief Executive Officer and the Department for improvements to the agency's Affirmative Action Plan;
14. To notify the Chief Executive Officer and the Department when unable to resolve employment practices or conditions which have or tend to have disparate impact on minorities, women, or the disabled;
15. If the agency is in noncompliance, as described in Section 2520.795 (c) (2) (3) is directed to work with Central Management Services to develop programs for the preparation and promotion of the affirmative action group in question;

The EEO/AA Officer's duties also include the following:

1. Reporting on and/or analyzing layoff reports [2520.770 (f)] reorganization reports [2520.770 (g)], hiring and promotion monitors [2520.770 (h)], and exit questionnaires [2520.770 (i)];
2. Report on and evaluating employment policies, practices and reporting to the agency director any such policies, practices and evaluation mechanisms that have adverse impact on minorities, women and the disabled. The agency EEO Officer will also assist in the recruitment of minorities, women and individuals with disabilities;
3. Provide counseling to any aggrieved employee or applicant for employment who believes that he or she has been discriminated against because of including but not limited to, race, color, religion, sex, sexual orientation, national origin/ancestry, age, order of protection status, marital status, arrest record, military status, including veteran status, unfavorable discharge from military service, citizenship status, and disability.

E. INTERNAL EEO ORGANIZATION CHART

Illinois Board of Higher Education



F. METHODS OF DISSEMINATING THE AFFIRMATIVE ACTION POLICY AND PLAN

1. EEO/AA policy is posted on the bulletin board in the break room in the office
2. EEO/AA posters are displayed in break room
3. All notices of vacant positions shall carry explicit affirmation that the office is an equal opportunity/affirmative action employer
4. The affirmative action policy will be distributed to new employees
5. Staff meeting will include discussion items on affirmative action as needed
6. Invitations to bid and requests for proposals shall contain certifications that contractors with the Board will comply with the provisions of the Americans with Disabilities Act and with the Illinois Department of Human Rights Act and rules applicable to public contracts, including equal employment opportunity, refraining from unlawful discrimination and having written sexual harassment policies.

Plan

1. The Affirmative Action Plan will be submitted to the Department of Human Rights;
2. A copy of the Affirmative Action Plan will be made available to the staff of the IBHE;
3. The Affirmative Action Plan will be made available upon request to State and Federal regulatory agencies and to other interested persons;
4. The Affirmative Action Plan will be sent to the Illinois State Library for distribution.

IBHE Sexual Harassment Prohibition Policy

The Illinois Board of Higher Education (IBHE) strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees should be able to work and learn in a safe yet stimulating atmosphere. Through enforcement of this policy and by education of employees, the IBHE will seek to prevent, correct and discipline behavior that is in violation of this policy.

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment. “Working environment” is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

Employee Reporting Options: There are various reporting options available to IBHE employees when reporting an allegation of sexual harassment. The choice of how to report is a personal one, and these options are not mutually exclusive. An employee may pursue one or more of the following reporting options: (1) your supervisor at IBHE; (2) IBHE Ethics Officer; (3) IBHE Equal Employment Opportunity-Affirmative Action Officer (EEO/AA Officer); (4) Illinois Office of Executive Inspector General (OEIG); (5) Illinois Department of Human Rights (DHR); and (6) state or local law enforcement (to report criminal activity including but not limited to assault). Please contact your supervisor, the IBHE Equal Employment Opportunity-Affirmative Action Officer (EEO/AA Officer) and/or the IBHE Ethics Officer for more information.

IBHE Action: IBHE will handle all complaints swiftly and confidentially to the extent possible considering the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on employment status. Because of the damaging nature of sexual harassment, aggrieved employees are urged to report. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

IBHE Investigation: Unless the allegation is immediately referred to the Illinois Office of Executive Inspector General (OEIG) and the OEIG specifically instructs the IBHE to not investigate the matter until further instruction from the OEIG, the Ethics Officer shall ensure the IBHE completes an initial review of each allegation of sexual harassment within 10 business days of receipt of the allegation to determine whether further investigation or action is warranted. If further investigation is warranted, the Ethics Officer shall ensure the IBHE completes its investigation and make any referrals for management action or disciplinary proceedings within 30 days of receipt of the allegation. Investigations may be conducted by the Ethics Officer, supervisors, or other agents as determined appropriate.

IBHE Prohibition on Sexual Harassment: Any employee who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

IBHE Prohibition on Retaliation: Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Whistleblower protections are available under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act. Any employee who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

IBHE Prohibition on False Reports: Filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any employee who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

Counseling: The employee assistance program (EAP) provides confidential counseling services at no cost to State employees regardless of the health plan chosen. IBHE employees may contact Magellan Behavioral Health through the CMS website or call 866-659-3848 for assistance (24 hours per day, 7 days per week).

IBHE Sexual Harassment Complaint Form

This form may be used to report a complaint to your supervisor, the IBHE Equal Employment Opportunity-Affirmative Action Officer (EEO/AA Officer) or the IBHE Ethics Officer. Please attach additional sheets of paper, as needed.

Name of the Complainant:	
Today's Date:	

Who harassed/discriminated against the complainant? <i>(Include the name and work relationship to complainant, e.g., supervisor, co-worker, client, etc.)</i>
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Where and when did the conduct take place? <i>(Include the first time, each subsequent time, and the last time the conduct took place.)</i>
--

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What did that person do? <i>(Include specific statements, improper conduct which is the subject of the complaint, and any reasons that the complainant may believe initiated the conduct.)</i>

--

How did the complainant respond? <i>(Did the complainant indicate the conduct was objectionable? Did anyone else? How did the offending party react?)</i>
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Were there any witnesses to the harassment/discrimination? <i>If yes, please provide names and what the witnesses may have seen or heard. Did you tell anyone about the improper conduct?</i>
--

--

Are there any documents concerning the harassment/discrimination? <i>Did you keep a diary or notes? Was there any email exchanged with anyone relating to the events which make up the basis of the complaint? Did you tell anyone about the improper conduct?</i>

--

Have you reported the incident to anyone who should be included in the investigation? <i>(e.g., your supervisor at IBHE, IBHE's EEO/AA Officer, Illinois Department of Human Rights (DHR), Illinois Office of Executive Inspector General (OEIG), etc.) If a complaint has been filed with the OEIG the Ethics Officer must contact OEIG before starting an IBHE investigation.</i>
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SECTION TWO

A. INTERNAL WORKFORCE ANALYSIS

Grouping of Job Titles by Equal Employment Opportunity Job Categories

Officials and Managers

This category includes staff primarily responsible for management and administration of the IBHE and its responsibilities. Assignments require the performance of work related directly to the management policies or general business operations of the IBHE. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretionary judgment and to direct the work of others. Persons in this category have positions in which they exercise overall responsibility for execution of policies or direct individual functional areas.

Utilizing the current title classifications for staff with the following titles will be included in the Officials and Managers category:

- Executive Director
- Executive Deputy Director
- Deputy Director

Professionals

This category includes those employees whose duties and responsibilities require specialized theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. In this category, only staff in the Associate/Senior Associate Director classifications are promotable to the Officials and Managers category.

Utilizing the current title classifications for employees with the following titles will be included in the Professional category:

- Senior Associate Director
- Associate Director
- Assistant Director
- Research Associate
- Research Assistant

Office and Clerical

This category includes personnel who provide administrative support to the employees in the Professional and Officials and Managers categories. The Office and Clerical category includes secretaries, the receptionist and the duplicating machine operator.

Utilizing the current title classifications for the IBHE Universities Civil Service System staff, individuals with the following titles will be included in the Office and Clerical category:

Secretary IV

Secretary III

Clerical Assistant

Duplicating Machine Operator I

Workforce Analysis by Region

Agency: IBHE

Reporting Period: FY 2019

Region: 7

EEO Category	Grand Total	MALES										FEMALES										PERCENTAGES									
		Total	W	B/A/A	H/L	A	AI / AN	NH	OPI	PWD	Total	W	B/A/A	H/L	A	AI / AN	NH	OPI	PWD	M	F	W	B/A/A	H/L	A	AI/AN	NH/PI	PWD			
Officials / Administrators	4	3	2	1						1	1								75.00%	25.00%	75.00%	25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Professionals	26	9	8		1					17	15	2							34.62%	65.38%	88.46%	7.69%	3.85%	0.00%	0.00%	0.00%	0.00%	0.00%	7.69%		
Technicians	0	0								0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Protective Service	0	0								0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Para-professionals Administrative Support	5	1	1							4	4								20.00%	80.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	#VALUE!		
Skilled Craft	0	0								0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Service / Maintenance	0	0								0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
TOTAL	35	13	11	1	1	0	0	0	0	22	20	2	0	0	0	0	3	37.14%	62.86%	88.57%	8.57%	2.86%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	8.57%		

Grand Total Employees for Region 7:	Males: 13	Females: 22	Total Minorities: 4
White: 31	B/A/A: 3	H/L: 1	AI/AN: 0
88.57%	8.57%	2.86%	0.00%
	Males: 37.14%	Females: 62.86%	Total Minorities: 11.43%
	H/L: 2.86%	Asian: 0	AI/AN: 0
		0.00%	0.00%
		NH/PI: 0	PWD: 3
		0.00%	8.57%

W=White B/A/A=Black or African American H/L=Hispanic or Latino A=Asian AI/AN=American Indian or Alaskan Native NH/PI=Native Hawaiian or Other Pacific Islander PWD=People with Disabilities

Workforce Transactions Report by EEO Category

Agency: Illinois Board of Higher Education

Reporting Period: April - June 30, 2019

EEO Category: PROFESSIONALS

Transaction	MALES										FEMALES										PERCENTAGES									
	Grand Total	Total	W	B/A/A	H/L	A	AI	NH	OP	PWD	Total	W	B/A/A	H/L	A	AI	NH	OP	PWD	M	F	W	B/A/A	H/L	A	AI	NH	OP	PWD	
New Hires	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Promotions	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Intra-Agency Transfers	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Suspensions	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Separations	1	0									1	1								0.00%	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
Discharges	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay Off	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Demotions	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Reductions	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Reinstatements	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Reemployment	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Upward Reallocations	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Downward Reallocations	0	0									0									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

W=White BAA=Black or African American H/L=Hispanic or Latino A=Asian AI/AN=American Indian or Alaskan Native NH/OP=Native Hawaiian or Other Pacific Islander PWD=People with Disabilities
 DHR-10 (Rev Feb 2016)

Summary of Workforce Transactions Report by EEO Category

Agency: Illinois Board of Higher Education

Reporting Period: April - June 30, 2019

EEO Category: **GRAND TOTAL**

Transaction	Grand Total		MALES							FEMALES							PERCENTAGES													
	Total	Total	W	B/AA	H/L	A	AI	NH	OP	PWD	Total	W	B/AA	H/L	A	AI	NH	OP	PWD	M	F	W	B/AA	H/L	A	AI	NH	OP	PWD	
New Hires																														
Promotions																														
Intra-Agency Transfers																														
Suspensions																														
Separations	1									1	1											100.00%	100.00%							100.00%
Discharges																														
Lay Off																														
Demotions																														
Reductions																														
Reinstatements																														
Reemployment																														
Upward Reallocations																														
Downward Reallocations																														

W=White B/AA=Black or African American H/L=Hispanic or Latino A=Asian AI/AN=American Indian or Alaskan Native NH/OP=Native Hawaiian or Other Pacific Islander PWD=People with Disabilities
DHR-10 (Rev. Feb 2016)

Utilization Analysis

Agency:
Affirmative Action Group:

IBHE
WOMEN

Region 7

	Officials/ Administrators	Professionals	Technicians	Protective Service	Para- Professionals	Admin Support	Skilled Craft	Service/ Maintenance
Present Number of Employees	4	26	0	0	0	5	0	0
Availability Percent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Number Needed for Parity	0	0	0	0	0	0	0	0
Number of Affirmative Action Group Members Already Employed	1	17	0	0	0	4	0	0

Underutilization

Underutilization Summary by Region

Name of Agency: **IBHE**

Fiscal Year: **2019**

Region	Officials and Administrators					Professionals					Technicians					Protective Service Workers								
	Women	B/AA	H/L	A	AI/AN	NHOPI	Women	B/AA	H/L	A	AI/AN	NHOPI	Women	B/AA	H/L	A	AI/AN	NHOPI	Women	B/AA	H/L	A	AI/AN	NHOPI
1																								
2																								
3																								
4																								
5																								
6																								
7																								
8																								
9																								
10																								
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Region	Paraprofessionals					Administrative Support					Skilled Craft Workers					Service-Maintenance								
	Women	B/AA	H/L	A	AI/AN	NHOPI	Women	B/AA	H/L	A	AI/AN	NHOPI	Women	B/AA	H/L	A	AI/AN	NHOPI	Women	B/AA	H/L	A	AI/AN	NHOPI
1																								
2																								
3																								
4																								
5																								
6																								
7																								
8																								
9																								
10																								
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Total underutilization for Women: 0 Total underutilization for Black or African American: 0 Total underutilization for Hispanic or Latino: 0

Total underutilization for Asian: 0 Total underutilization for American Indian or Alaskan Native: 0 Total underutilization for Native Hawaiian or Other Pacific Islander: 0

Note: If no calculations are necessary in any region where the agency does not have a facility or because there are less than ten employees in the EEO category in that region, leave that box blank.

W= Women B/AA = Black or African American H/L = Hispanic or Latino A = Asian AI/AN = American Indian or Alaskan Native NHOPI= Native Hawaiian or Other Pacific Islander
 DHR 11-AAP (Rev. Feb. 2016)

Utilization Analysis

Agency: IBHE
 Affirmative Action Group: AMERICAN INDIAN or ALASKAN NATIVE Region 7

	Officials/ Administrators	Professionals	Technicians	Protective Service	Para- Professionals	Admin Support	Skilled Craft	Service/ Maintenance
Present Number of Employees	4	26	0	0	0	5	0	0
Availability Percent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Number Needed for Parity	0	0	0	0	0	0	0	0
Number of Affirmative Action Group Members Already Employed	0	0	0	0	0	0	0	0

Underutilization

SECTION THREE

A. Numerical Goal

Based on the statistical calculations as outlined in the Department of Human Rights rules, the IBHE is at parity and has no underutilization. Calculations are based on fiscal year 2019 fourth quarter report statistics.

B. PROGRAM GOALS

Area to be addressed: Affirmative recruitment efforts.

Goal: To ensure the IBHE maintains a staff representative of the workforce available within the geographical area identified for each job category.

Action Item: To attract a diversified pool of applicants for position vacancies.

Responsibility: Executive Director/Deputy Directors/EEO Officer

Completion Target Date: On-going as position vacancies occur.

Monitoring Procedure: Review of Affirmative Action Hiring Monitor Form(s).

Area to be addressed: IBHE's affirmative action policy.

Goal: To ensure the EEO/AA Officer and IBHE staff are informed of any current issues or changes that could impact the Board's affirmative action policy.

Action Item: To attend workshops/conferences related to current issues or topics relevant to affirmative policy.

Responsibility: EEO/AA Officer

Completion Target Date: On-going as workshops/conferences are scheduled

Monitoring Procedure: Attendance of EEO/AA officer at workshops/conferences and distribution to office staff of relevant information.

SECTION FOUR

REPORTING AND COMPLAINT PROCEDURE

A. DISCRIMINATION POLICY

The IBHE is committed to the full participation of members of protected groups, creating a diverse workforce consistent with the provisions of Title VII of the Civil Rights Act of 1964, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Vocational Rehabilitation Act of 1974 and the Americans with Disabilities Act of 1990. The IBHE prohibits unlawful discrimination that is racial, religious in nature or is related to anyone's gender, national origin, age, sexual orientation, pregnancy, disability or other protected status. This policy applies to all employees of the IBHE, regardless of title and/or position. This anti-discrimination policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, leaves of absence, benefits, compensation and training.

B. HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

The IBHE expressly prohibits any form of employee harassment based on race, color, religion, sex, national origin, age, sexual orientation, disability, military status, or status in any other group protected by federal, state and local law. Improper interference with an employee's ability to perform his or her job duties is prohibited and will not be tolerated from any employee, regardless of title and/or position.

Sexual harassment is a form of sex discrimination. The IBHE is fully committed to maintaining a work environment free of sexual harassment. Acts of sexual harassment by any officer, manager, supervisor, or employee of the IBHE, male or female, are strictly prohibited and are subject to disciplinary action up to and including discharge.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a terms or condition of an individual's employment; or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of the types of conduct that constitute sexual harassment, and which are expressly prohibited under the IBHE's policy include, but are not limited to, the following:

- Unwanted touching, such as rubbing or massaging someone's shoulders or neck, stroking someone's hair, pinching, impeding or blocking one's movements or brushing against another's body
- Unwelcome sexual flirtations, advances or propositions
- Sexually aggressive or offensive personal references about an individual
- Subtle pressure or requests for dates or sexual activities
- Written, recorded or electronically transmitted messages of a sexual nature including letters, poems, emails or voice-mail messages
- Sexually explicit or offensive jokes and references
- Display of sexually suggestive objects, pictures or photographs
- Unwelcome verbal comments, foul or obscene language
- Grabbing, groping, kissing or fondling or any violation of someone's "personal space"
- Leering, staring, stalking, gesturing sexually or offensive whistling
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess
- Questions about one's sex life or sexual experience
- Sexual favors in return for employment rewards, monetary or otherwise, or threats if sexual favors are not provided
- Sexual assault or rape
- Any other conduct or behavior deemed inappropriate by the IBHE

C. RETALIATION

All employees of the IBHE, regardless of title and/or position have a responsibility to help maintain a work environment free from discrimination and/or harassment, including sexual harassment. Any individual who believes a violation of the IBHE's Policy has occurred, whether to him or her personally or to another IBHE employee, has a duty to report such conduct and should follow the complaint procedure described in Section IV of the IBHE's Policy.

The IBHE expressly prohibits any employee of the IBHE, regardless of title and/or position, from retaliating against any individual who reports or complains of discrimination or harassment, including sexual harassment, or participates in an investigation of such reports.

D. NOTIFICATION AND REPORTING PROCEDURE

It is the responsibility of each employee of the IBHE, regardless of title and/or position, to create an atmosphere free from discrimination and harassment, sexual or otherwise. In addition, it is the responsibility of each employee of the IBHE to respect the rights of coworkers. Therefore, all employees of the IBHE, regardless of title and/or position, have a duty to report any conduct which they believe violates this Policy.

If an employee experiences any job-related discrimination or harassment based on his or her sex, race, national origin, disability, sexual orientation, age or any other protected status, or believes that he or she has been treated in an unlawful, discriminatory manner, the IBHE strongly encourages the employee to immediately report the incident in the manner described below or to any supervisor, department head, division head or to the EEO/AA Officer.

Likewise, if an employee observes unlawful discriminatory conduct or harassment against a co-worker, the IBHE urges the employee to report such conduct in the manner described below or to any supervisor department head, division head or to the EEO/AA Officer.

This notification and reporting policy applies to all incidents of alleged discrimination or harassment, including incidents which occur off-premises, off-hours or where the alleged offender is an officer, supervisor, manager or co-worker. If the alleged conduct occurs at a time other than normal business hours, the complaint should be filed as early as possible on the first business day following the alleged incident.

The IBHE takes any and all complaints of discrimination or harassment very seriously. As such, employees should not hesitate to file a written complaint form reporting such conduct for fear of retaliation. If the alleged incident involves an employee's direct supervisor or manager or one of the persons designated below to receive written complaints, the employee may bypass anyone in his or her direct chain of command and file the complaint or discuss or express his or her concerns with any other IBHE supervisor, department head, division head or director of human resources. Thus, there is no need to follow any formal chain of command when filing a complaint or discussing or expressing any issue of concern regarding alleged discrimination or harassment.

Additionally, every employee of the IBHE, regardless of title and/or position, has a duty to cooperate with any investigation conducted by the IBHE, regardless of whether the investigation is being conducted by IBHE officials or outside parties retained by the IBHE for this purpose.

The complaint, or any part of the allegation, may be withdrawn during the investigation upon a written request for withdrawal by the complainant.

After an investigation of the complaint, if there is a lack of substantial evidence to indicate that discrimination has occurred, the complainant shall be notified of the findings in writing and informed of the right to appeal.

If the IBHE determines that an employee has engaged in prohibited conduct discussed in this Policy, the IBHE will promptly take the appropriate disciplinary action against the offending employee, up to and including an unpaid suspension or termination of employment.

In order to preserve the integrity of, and to prevent the misuse of this Policy, if, after investigating any complaint of harassment or discrimination, the IBHE determines that the complaint was not made in good faith that the complaining employee provided false information regarding the alleged incidents, disciplinary action may be taken against the individual who filed the false complaint or who gave false information during the investigation of the complaint, up to and including an unpaid suspension or termination of employment.

The IBHE prohibits any form of retaliation against any employee for reporting a violation of this Policy, filing a complaint under this Policy, or assisting in a complaint investigation.

Complaint and Investigation Procedure

It is important that employees understand that the IBHE cannot resolve incidents of discrimination or harassment unless it has been informed of such conduct. A person who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a written and signed complaint with the EEO/AA Officer. All IBHE employees, regardless of title or position, who are aware of, or reasonably should be aware of, a violation of this Policy by another employee, whether or not anyone complains about such a violation, have a duty to report any discriminatory conduct to the EEO/AA Officer. A Complaint Form is attached to this Policy.

In order to ensure the best possible results, the IBHE strongly encourages an employee who feels harassed or discriminated against to file a written complaint as soon as possible following the purported prohibited conduct.

All complaints of a potential violation of this Policy will be handled promptly, thoroughly, and impartially by the EEO/AA Officer. In situations where the complaint involves the Executive Director, the EEO/AA Officer may either refer the matter to the Chairperson or an outside consultant for ultimate resolution.

The investigation will include the verification of the information provided by the complainant. The EEO/AA Officer may also convene an investigation team of senior management or outside consultants in order to assist with the investigation of complaints of discrimination or harassment. Additionally, the EEO/AA Officer may interview the parties involved and, where necessary, the individuals who may have observed the alleged conduct or may have other relevant knowledge.

Although no absolute guarantee can be made, the IBHE will make every effort to maintain confidentiality, to the extent feasible, while it conducts the investigation. To assist the IBHE in maintaining confidentiality, employees who file complaints or are involved in an investigation should not discuss either the facts underlying the complaint or the investigation with co-workers.

Upon conclusion of the investigation, the results of the investigation will be discussed with the employee making the complaint and the person against whom the complaint was made and will be reduced to writing and made part of the personnel file.

The IBHE will take prompt and appropriate corrective action where warranted. Where the party accused of engaging in prohibited conduct is disciplined but not discharged, the EEO/AA Officer will contact the complaining employee thirty (30) days to six (6) months after the investigation was concluded to ascertain whether the alleged conduct has recurred. However, if the alleged conduct recurs at any time after the IBHE concludes the investigation, regardless of whether the EEO/AA Officer has contacted the complaining employee, he or she may file another complaint.

Reporting Conduct to Governmental Agencies

The use of the above-described procedures does not in any way affect the right of an employee to file a charge of discrimination with any federal, state or local governmental agency that enforces employment discrimination laws.

An employee has the right to file a formal charge within 180 days of the alleged violation with the Illinois Department of Human Rights ("IDHR") or 300 days of the alleged conduct with the Equal Employment Opportunity Commission ("EEOC"), or within the allotted time of any other appropriate governmental agency.

To obtain information about filing a charge with IDHR, please call the Springfield Office at (217) 785-5100 or the Chicago Office at (312) 814-6200. The Text Telephone or TTY for IDHR is (866) 740-3953.

To obtain information about filing a charge with EEOC, please call (800) 669-4000 or TTY (800) 669-6820.

If an employee elects to file a charge with a governmental agency, the investigation of the internal complaint may be suspended while that matter is pending.

SECTION FIVE

A. AFFIRMATIVE ACTION FOR EMPLOYING PEOPLE WITH DISABILITIES AND REASONABLE ACCOMMODATION POLICY

In compliance with the U.S. Americans with Disabilities Act (ADA) of 1990, as amended by the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, and the Illinois Human Rights Act, it is the policy of the Illinois Board of Higher Education to reasonably accommodate the known physical or mental conditions of otherwise qualified applicants and employees with disabilities. The Illinois Board of Higher Education recognizes the right of a qualified applicant or employee with a disability to request a reasonable accommodation to ensure equal opportunity in the application process; to enable him or her to perform essential functions of a job; and/or to enable him or her to enjoy equal benefits and privileges of employment.

It is the responsibility of the Illinois Board of Higher Education to provide a reasonable accommodation to qualified applicants and employees with disabilities, when such reasonable accommodation does not pose an undue hardship to the operation of the agency's business.

The agency Equal Employment Opportunity Officer and/or the Americans with Disabilities Act Coordinator can provide further information about the agency's policy in this area.



Chief Executive Officer

8/29/19

Date



PHYSICAL BARRIERS

The ADA Coordinator has conducted a building survey to ensure accessibility to the building and its offices. Adequate ramps, elevator buttons and signage are provided to assure entrance to the building and mobility and safety within the building for persons with disabilities. No physical barriers were identified in the facilities.

PROCEDURAL BARRIERS

Pre-employment Screening. The EEO/AA Officer oversees the hiring process. Interview questions shall be the same for each applicant and are limited to the ability to perform essential job functions. Staff interviewing candidates for positions shall not inquire about a candidate's disability. The IBHE does not require pre-employment medical examinations.

Employment Criteria and Job Description Review

The EEO/AA Officer reviews employment criteria and job description development. The EEO/AA Officer reviews the employment criteria listed in position recruitment announcements and the position descriptions to ensure that such criteria relate to essential job duties and that there is no disparate impact on applicants with disabilities.

Employment Testing. Employment tests are not required for positions in the Official/Manager and Professional categories. Office/Clerical staff are subject to the rules and regulations of the State Universities Civil Service System and must take skill tests and written examinations to meet classification requirements for these positions. These examinations have been developed by the Civil Service System. In isolated situations, the IBHE may administer an exam; however, most exams are administered as a courtesy by other state agencies for IBHE. When IBHE does administer an exam, IBHE provides reasonable accommodation as requested by the applicant.

Emergency Evacuation Procedures. The IBHE participates in the on-line disability survey where emergency needs of employees with disabilities are identified and this information is shared with appropriate agency personnel. The IBHE has provisions for the evacuation of employees with disabilities in emergency situations based upon individual employee needs identified.

ADA Coordinator
Arthur Sutton, Ed.D.
Illinois Board of Higher Education
1 North Old State Capitol Plaza, Suite 333,
Springfield, IL 62701-1377
(217) 557-7347
(888)261-2881 TTY
sutton@ibhe.org

ILLINOIS BOARD OF HIGHER EDUCATION

C. REASONABLE ACCOMMODATION REQUEST FORM FOR EMPLOYEES

Pursuant to the requirements of state and federal laws, a qualified individual with a disability has the right to request reasonable accommodation in conjunction with his or her employment. Reasonable accommodation means a modification to application procedure, access to the work site, and adjustment to the work process or work schedule that would enable a person with a disability to perform a job. Employers are not required to provide accommodations that would impose undue hardship on the operations of their programs. Completed accommodation request forms should be submitted to the immediate supervisor, with a copy to the agency's EEO/AA Officer and/or the ADA Coordinator. The IBHE's EEO Officer/ADA Coordinator can respond to questions about the accommodation process.

Name: _____

Position Classification: _____

Functional Limitation: _____

Type of Accommodation Needed

Purchase or modification of equipment or device

Job restructuring or task modification

Provision of reader, sign language interpreter, or personal assistant

Structural modification to work site or facility

Modification of work schedule or leave policy

Modification of examinations, training materials, or policies

Reassignment to vacant position for which employee is qualified

Other (specify needed accommodation) _____

Narrative Explanation

Describe how your functional limitation interferes with performance of a duty or the participation in an activity sponsored by the employer. Explain how the requested accommodation would be used to enhance job performance or would allow you to participate in an employer-sponsored activity. (Use an additional sheet if necessary.)

Employee's Signature _____ Date: _____

Internal Action – Complete following section as indicated:

Supervisor's Determination
Supervisor's initials _____ Grant _____ Deny _____ Return for (See comments) _____ Date _____

Deputy Dir.'s Determination
Supervisor's initials _____ Grant _____ Deny _____ Return for (See comments) _____ Date _____

EEO Officer's Recommendation
Supervisor's initials _____ Grant _____ Deny _____ Return for (See comments) _____ Date _____

Executive Dir.'s Final Action
Executive Director's initials _____ Grant _____ Deny _____ Return for (See comments) _____ Date _____

Remarks:

ACCOMMODATION REQUEST PROCEDURES FOR EMPLOYEES

The following procedures should be followed in processing reasonable accommodation requests from employees. The agency EEO Officer/ADA Coordinator can provide guidance on the accommodation process.

1. The employee shall submit a completed reasonable accommodation request form to his or her immediate supervisor and give a copy of the form to the agency EEO Officer/ADA Coordinator. The employee should retain a copy of the request form in his or her files.
2. Once received, the supervisor shall review the request for completeness and, in consultation with the EEO Officer/ADA Coordinator, determine whether medical documentation is needed to either establish the presence of a disability or determine an appropriate accommodation. If documentation is needed, the agency should narrowly tailor its request to the issues of whether the employee has a disability under the law and if he or she can be accommodated. The employee should be asked to complete a medical release form (also narrowly tailored), if the agency has additional questions upon review of the medical documentation. When necessary, the employee should be asked to provide documentation to address these issues.
3. Upon receipt of necessary documentation, the supervisor shall make a recommendation, in writing, to the appropriate Deputy Director within five (5) working days.
4. The Deputy Director, in consultation with the EEO Officer/ADA Coordinator shall review the supervisor's recommendation and render a decision of denial or approval of the request within five (5) working days of receipt of the supervisor's recommendation. The Deputy Director shall forward his/her recommendation along with the original reasonable accommodation request form and all documentation to the agency's EEO Officer/ADA Coordinator.
5. The Executive Director shall review the Deputy Director's recommendation and shall render a decision of approval or denial within five (5) working days of receipt from the EEO Officer/ADA Coordinator.
6. Provided that appropriate documentation has been submitted, the EEO Officer/ADA Coordinator shall inform the employee in writing of the agency's decision to grant or deny the request within thirty (30) working days of receipt of the completed request form and any necessary medical documentation. A copy of the response will also be sent to the supervisor (Deputy Director).
7. If the Executive Director approves the accommodation request, the agency shall take appropriate action to comply with the accommodation request. Approved accommodation requests shall be implemented as soon as possible. The agency may offer alternative suggestions providing an equally effective accommodation to remove the workplace barrier in question.
8. Reconsideration: If an employee wished to ask the Executive Director to reconsider a decision on a reasonable accommodation request, a written request shall be addressed to the Executive Director within ten (10) working days of notification of the decision. The reconsideration request shall include the reasons that a reconsideration is being requested and, if appropriate, alternative suggestions for reasonable accommodation. After a complete review of the matter, a decision shall be made and the employee shall be notified. The Executive Director's decision on this recommendation shall constitute the final internal action by the agency on the accommodation request.
9. An employee who has been denied accommodation has the right to file a complaint at the state level with the Illinois Department of Human Rights within 180 days of the denial of the request. An employee may also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) within 300 days, or any other appropriate government agency pursuant to their time frame.
10. The EEO Officer/ADA Coordinator shall document any action taken on a reasonable accommodation request where indicated on the request form and shall retain completed accommodation request forms for one year following final action on the matter.

ILLINOIS BOARD OF HIGHER EDUCATION
D. REASONABLE ACCOMMODATION REQUEST FORM
(For Applicants)

Pursuant to the requirements of state and federal laws, a qualified individual with a disability has the right to request reasonable accommodation in conjunction with his/her application for employment. Reasonable accommodation means a modification to work site, work process or work schedule that would enable a person with a disability to perform a job. Employers are not required to provide accommodations that would impose undue hardship on the operation of their programs. Completed accommodation request forms must be submitted to the interviewing officer and the agency Equal Employment Opportunity Officer. The agency's EEO Officer/ADA Coordinator can respond to questions about the accommodation process.

Name _____

Home Address _____

Telephone Number _____

Functional Limitations _____

Type of Accommodation Needed

- _____ Sign Language Interpreter for Employment Interview
- _____ Reader Service
- _____ Accessible Interviewing Site
- _____ Re-formatting of Examination for Learning Disabled Applicant
- _____ Examination Markers for Applicants with Limited Manual Dexterity
- _____ Other (indicate type of accommodation needed) _____

Narrative:

Describe how your functional limitation interferes with a portion of the pre-employment process, e.g., applying, testing, or interviewing. Explain how the requested accommodation would be used to enable you to complete the application process.

Applicant's Signature _____ Date: _____

AGENCY ACTION

Interviewing Officer's Determination _____ Grant _____ Deny

Remarks (if denied, provide explanation) _____

Final Agency Approval – Signature _____ Date: _____

ACCOMMODATION REQUEST PROCEDURES FOR APPLICANTS

Qualified applicants and employees with disabilities have the right to request reasonable accommodation under the law. Applicants may request accommodation to any stage of the application process, including the employment application, examination procedure, or interviewing process.

Once an individual with a disability has been hired, he or she has the right to request accommodation to the work site, work schedule or work process that would enable him or her to perform the job in question. Procedures for applicants to follow in making an accommodation request are listed below. The agency EEO Officer/ADA Coordinator can provide additional information about the accommodation process.

Procedures

1. Applicants may request accommodations to the application process orally or in writing (either through correspondence or the use of the accommodation request form for applicants). If the request is made orally or through written correspondence, the agency's EEO Officer/ADA Coordinator will complete accommodation request forms in the matter for purposes of processing and documenting the request.
2. Applicants shall submit accommodation requests to the interviewing officer who will provide a copy of the form to the EEO Officer/ADA Coordinator. In cases where the EEO Officer/ADA Coordinator completes the form for the applicant with the disability, the EEO Officer/ADA Coordinator shall submit completed forms to the interviewing officer and retain a copy for him or herself.
3. A response to the request will be provided to the applicant within five working days following receipt of the request by the interviewing officer.
4. If it is within the bounds of the authority of the interviewing officer to grant the request and he or she believes it to be reasonable, the accommodation will be provided, Information regarding the type of accommodation provided will be sent to the EEO Officer/ADA Coordinator.
5. If another official within the agency must be consulted for the accommodation to be provided, he or she will determine whether the agency will grant the request.
6. If the agency denies the request, the applicant has the right to file an internal complaint with the EEO Officer/ADA Coordinator and/or an external complaint with the Illinois Department of Human Rights within 180 days of the denial. An applicant may also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) within 300 days, or any appropriate government agency pursuant to their time frame.

EMERGENCY EVACUATION PROCEDURES

Emergency Procedures

IBHE has developed emergency procedures to protect the safety of employees and the public, to protect property and to ensure the return to normal operations as soon as possible after an emergency. It is IBHE's intent that these procedures will minimize anxiety and ensure safety of employees.

Evacuation Procedures

Purpose: IBHE has developed an evacuation procedure to ensure that all staff leave the building when necessary and have a prearranged assembly area in a safe place outside the building. The prearranged assembly area is necessary to account for all employees and visitors. This procedure will be followed for a variety of emergencies, including fire, explosion and bomb threats.

Designated Assembly Area:

Designated Assembly Area: On Jefferson and 6th Street across from the Jefferson street building entrance.

Announcement: The fire alarm is activated or wardens will notify staff of the need to evacuate the building.

Procedures:

Employees

- Stay calm
- Close your office door as you leave to slow or prevent the spread of smoke and lessen damage
- If smoke is present, keep low to the floor. Take short breaths to avoid or minimize smoke inhalation.
- Leave immediately using the nearest and safest exit. If evacuation is due to a fire, before opening an exit door, carefully feel the door with the back of your hand. If unsafe, use another exit as necessary.
- Do not use the elevators.
- If you need physical assistance to leave the building, proceed to the reception area. Designated wardens should be waiting there to assist you.
- Proceed to the designated assembly area outside.
- Do not interfere with building access by emergency response personnel.
- Do not leave the designated assembly area because roll call will be taken to account for all staff.
- Emergency personnel will be informed of any unaccounted staff.
- Remain at the designated assembly area because you will be given instructions based upon the nature of the evacuation as soon as that information is available.
- Do not reenter the building until the emergency response personnel have declared it safe.

Wardens:

- Activate the fire alarm if possible/necessary.
- Meet at the reception area to assist individuals needing assistance.
- Check fire exits for smoke/heat. If clear stay and direct evacuation, otherwise direct staff to alternate exit.
- Check all office space for staff and close all open doors.
- Bring folder containing contact information, personnel list and daily attendance sheet.
- Take attendance at designated assembly area to account for all employees and visitors.

SECTION SIX

APPLICABLE EQUAL EMPLOYMENT OPPORTUNITY LAWS

CIVIL RIGHTS ACT OF 1964 AS AMENDED

Title VI prohibits discrimination on grounds of race, color, or national origin in federally assisted programs.

Title VII prohibits discrimination on the grounds of race, color religion, sex or national origin by employers or unions with 15 or more employees. The designation employer includes the government of the United States, corporations wholly owned by the United States, and state or political subdivisions thereof.

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

This is an amendment to the Civil Rights Act of 1964, which adds sex and religion to the Title VII portion and extends Equal Employment Opportunity (EEO) to state, local and municipal organizations, all employment agencies (private and public) and to labor organizations. This Act empowers EEOC to bring civil action against any organization, which is alleged to be practicing discrimination. The Act also gives the right to an individual to take a complaint directly to a court of law.

PREGNANCY DISCRIMINATION ACT

The law amended Title VII to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

CIVIL RIGHTS ACT OF 1991

The Civil Rights Act of 1991 expands the protections afforded individuals under the Civil Rights Act of 1964. It provides for damages for intentional discrimination and unlawful harassment in the workplace and codifies the concepts of "business necessity" and job related" as enunciated in various Supreme Court decisions. Additionally, it confirms statutory authority and provides guidelines for disparate impact suits under Title VII of the Civil Rights Act of 1964 and in response to recent Supreme Court decisions, expands the scope of relevant civil rights statutes.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

This Act prohibits arbitrary discrimination against persons 40 years of age or older.

REHABILITATION ACT OF 1973

This Act sets the standards for promoting, expanding, and assisting in employment opportunities for the handicapped in all programs or activities receiving Federal financial assistance. Sections 503 and 504 provide for the prohibition of discrimination against qualified handicapped individuals. The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, enforces section 503. Section 504 is enforced by the agency providing the federal funds in question.

EQUAL PAY ACT OF 1963

This Act provides that an employer may not discriminate based on sex by paying employees different wages for doing equal work on jobs requiring equal skill, effort, and responsibility, and which are performed under similar working conditions in the same establishment. The U.S. Equal Employment Opportunity Commission (EEOC) enforces this Act.

AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED BY THE AMERICANS WITH DISABILITIES AMENDMENTS ACT OF 2008

Congress enacted the Americans with Disabilities Act of 1990 ("the ADA") to eliminate discrimination against individuals with disabilities in the areas of employment, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public service. Title I of the ADA prohibits discrimination in employment against individuals with disabilities and established the standards governing an employer's affirmative duty to accommodate an individual with a disability. Title II of the ADA prohibits discrimination against individuals with

disabilities by state and local governments. The ADA Amendments Act of 2008 broadens the coverage of “disability” and thereby brings more individuals under the protection of the law. EEOC issued regulations under this Act.

FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA)

This Act requires employers to provide up to 12 weeks of unpaid job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they base worked for a covered employer for at least one year and for 1,250 hours during the year preceding the start of the leave, and be employed at a worksite where the employer employs at least 50 employees within a 75-mile radius. The US. Department of Labor’s Wage and Hour Division is authorized to investigate and resolve complaints of violations.

Unpaid leave must be granted for any of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

Section 585(a) of the National Defense Authorization Act (NDAA) amended the FMLA to provide eligible employees working for covered employers two important leave rights related to military service:

- **Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
- **Leave Entitlement.** An eligible employee who is the spouse, son daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 23-month period to care for the service member. This military caregiver leaver is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

UNIFORMED SERVICES EMPOLYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. The U.S. Department of Labor. Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about any disease, disorder or condition of an individual’s family members (i.e., an individual’s family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

RECORDS

The following documentation of good faith recruitment will be provided and retained on file for three years:

1. Copies of position vacancy notices and advertisements;
2. Copies of letters sent to persons and institutions seeking referrals of applicants for the position;
3. Copies of applications received and correspondence with applicants; and
4. A summary documenting the outcome of the search.

SECTION SEVEN

HIRING/PROMOTION MONITORS AND EXIT QUESTIONNAIRE

Hiring and Promotion Monitor Explanations

Section 2520.770 (i) of the Human Rights Rules and Regulations requires agencies to use hiring and promotion monitors whenever personnel transactions occur. As stated in the rules: "No hire or promotion commitment shall be made until the agency EEO Officer or designee has reviewed and signed the monitor indicating approval of the transaction. In all transactions, the agency Chief Executive Officer or designee shall sign and date the monitor, indicating approval"

Exit Questionnaire

Each state entity shall provide an exit questionnaire according to Section 2520,770 (j) of the Department's rules.

- The employee has the option of completing the form.
- The answers are confidential, will not be used against the employee, will not be available for reasons of prospective employment, and will not be made a part of the employee's personnel file.
- The form will be maintained in a separate file by the EEO Officer for possible review by DHR, or upon occasion, federal authorities.

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EMPLOYEE EXIT QUESTIONNAIRE**

Instructions: This questionnaire will be provided to all employees at the time of their separation from the agency whether voluntary or involuntary. The completion of this questionnaire shall be at the employee's option. Please send the completed form in an envelope to the Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer shall maintain a separate file of all forms for possible review by the Department of Human Rights.

Name _____ Sex: Male: _____ Female: _____ Age: _____

Disability _____ Race: _____ Hispanic: Yes _____ No _____

Date of Employment: _____ Separation Date: _____

Position Title: _____

Starting Salary: _____ Current Salary: _____

Who was your immediate supervisor? _____

Reason for leaving: _____

Were you terminated while still in your probationary period? If so, what could your agency have done to ensure you successfully met your probationary period resulting in certification?

Would you want to work here again? Yes No

Please Explain: _____

Same Position? Yes _____ No _____ Explain: _____

Same Supervisor? Yes _____ No _____ Explain: _____

Do you feel the working conditions were satisfactory? Yes, No Explain:

Do you have any suggestions for improving employee morale?

Were you satisfied with the pay you received for the work performed and with promotions? Yes _____ No _____

Explain: _____

Were you satisfied with the supervision and were you trained properly? Yes _____ No _____

Explain: _____

Do you think management adequately recognized employee contributions? If not, what recommendations would you make to improve this?

Did you receive any equal employment opportunity / affirmative action orientation? Yes _____ No _____

Explain: _____

During your employment did you request an accommodation based on your disability. Yes _____ No _____

If yes, please explain: _____

Did you personally experience any discrimination while working in your position? Yes _____ No _____

Explain: _____

Are you aware of instances where others have been discriminated against? Yes _____ No _____

If yes explain: _____

If you have answered "Yes" to the last two questions, have you discussed or given written notice of this discrimination to your supervisor or EEO/AA Officer? Yes _____ No _____

Explain: _____

Employee
Signature:

_____ Date: _____