Affirmative Action Plan
2017–18
The Equal Opportunity
and
Affirmative Action Plan
of
The Community College of Rhode Island
400 East Ave.
Warwick, RI 02886-1807

Time frame of plan: July 1, 2017 to June 30, 2018

[Signature]
Dr. Meghan Hughes
President

[Signature]
Cheryl A. Brandel
Administrator
State Equal Opportunity Programs
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AGENCY ORGANIZATION
AND
STRUCTURE
COMMUNITY COLLEGE OF RHODE ISLAND

Beginning with 325 students in 1964, the college has grown to a present-day enrollment of approximately 14,750 students at four main campuses and two satellite campuses statewide. After more than 50 years of servicing the community, the college continues being the state’s only public comprehensive associate degree-granting institution. The college’s mission has been to provide affordable open access to higher education by offering academic transfer programs and career-oriented training of the highest caliber. As these figures indicate, the Community College of Rhode Island has grown steadily to meet the goals of its founders.

In January, 2016, CCRI welcomed its 5th president, Dr. Meghan Hughes. President Hughes has made a clear and unwaivering commitment to diversity and inclusion at CCRI and has established equity as the cornerstone of her work. She has charged her administration with promoting equity in their respective areas and is focused on creating an equitable and inclusive workforce.

The college is comprised of five divisions: Academic Affairs; Business Affairs; Student Affairs, Center for Workforce and Community Education, and the President’s division. Each of these divisions is further subdivided into several departments, as evidence in the organizational chart (see Exhibit A).

Today, the college continues to seek new ways to serve the community by offering evening and summer sessions, online courses, by expanding community service programs and noncredit courses and by providing workforce and personal enrichment programs for Rhode Island residents and neighboring communities when appropriate.

The Community College of Rhode Island offers more than 90 degree and certificate programs as well as a full range of programs and services for full- and part-time students, recent high school graduates and adult learners. Many graduating students transfer to four-year colleges and universities. Other graduates complete career-oriented programs that often lead to immediate employment in technical fields.

During 2016-17, the Community College of Rhode Island employed approximately 304 tenure-track faculty members as well as over 505 part-time adjunct faculty to teach the various credit courses offered at the college.

The Community College of Rhode Island grants the following degrees: the Associate in Arts (A.A.), the Associate in Science (A.S.), the Associate in Applied Science (A.A.S.), the Associate in Applied Science in Technical Studies (A.A.S.T.S.) and the Associate in Fine Arts (A.F.A.).

Whenever possible, the Community College of Rhode Island opens its facilities for public use. The college has assisted in hosting various programs of public concern, workshops and seminars for small businesses, governmental agencies and individuals seeking to improve their skills or enhance their lives. In every way, CCRI strives to be Rhode Island’s community college by meeting the widely varied educational needs of the state’s residents.
PLAN ADMINISTRATION
THE COMMUNITY COLLEGE OF RHODE ISLAND
STATEMENT OF POLICY ON EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

It is the policy of the college to promote fair and equitable treatment of all employees and applicants, and to fully comply with federal and state legislation and executive orders. Therefore, the college will strive to ensure that all employees adhere to the following directives.

The Community College of Rhode Island supports affirmative action and equal opportunity. The college pledges that it will post all vacancies, including transfers, and will recruit, hire, train, and promote persons in all job classifications without regard to race, color, sex, religion, sexual orientation, gender identity or expression, age, national origin, disability, or veteran status.

All employees and applicants have a right to equal opportunity in all terms, conditions, or privileges of employment, including but not limited to: recruitment, hiring, certification, appointments, working conditions, work assignments, promotions, benefits, compensation, training, transfers, layoffs, recall from layoffs, disciplinary actions, terminations, demotions, or requests for leave. The college will not illegally discriminate on the basis of race, color, religion, age, sex, national origin, disability, veteran status, sexual orientation, or gender identity or expression.

All employees have a right to a workplace free from harassment by others based on race, color, sex, sexual orientation, gender identity or expression, religion, national origin, age, disability or any other protected status. Sexual harassment includes unwanted verbal or physical conduct of a sexual nature, or based on sex, gender, gender identity or expression or sexual orientation, as well as sexual advances or requests for sexual favors. Any form of harassment is unlawful, lowers the morale and efficiency of the employees, and will absolutely not be tolerated.

Employees and applicants have a right to reasonable accommodations based on disability and an interactive process. Such accommodations may include, but are not limited to, making facilities accessible, job restructuring, and acquisition of special equipment.

The college is committed to identifying and eliminating past and present effects of discrimination in employment. In order to achieve this, we will 1) identify those classes of individuals which are underrepresented in our workforce, 2) set goals and timetables for increasing our employment of those underrepresented groups, and 3) implement an Affirmative Action Plan of outreach, recruitment, training, and other similarly designed programs.

The Director of Institutional Equity, Title IX Coordinator and the Americans with Disabilities Act/504 Coordinator for the college is Elizabeth Canning, JD, ecanning@ccri.edu.

The website for the college's affirmative action office is http://www.ccri.edu/aao/
### EQUAL OPPORTUNITY ADVISORY COUNCIL

**MEMBERSHIP LIST**

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<tr>
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<td>Purchasing Officer</td>
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<td>T. Ryder</td>
<td>Asst. Purchasing Officer</td>
<td>AP</td>
<td>F</td>
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<tr>
<td>R. Greene</td>
<td>Site Manager – Newport</td>
<td>W</td>
<td>F</td>
</tr>
<tr>
<td>M. Gagner</td>
<td>Higher Ed. Payroll Offr. Preaud. Clerk</td>
<td>AP</td>
<td>M</td>
</tr>
<tr>
<td>D. White</td>
<td>Staff Assistant II</td>
<td>B</td>
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<tr>
<td>E. Canning</td>
<td>Director of Institutional Equity</td>
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ASSIGNMENT OF SPECIFIC RESPONSIBILITIES

The president, vice president for Academic Affairs, associate vice president for Administration, vice president for Student Services, vice president for Workforce Development, deans, directors and supervisors, have full responsibility for implementing, monitoring and coordinating the affirmative action plan. They will report directly to the president on EEO issues. The affirmative action officer will have adequate staffing and authorization to effectively participate in the implementation, monitoring and coordination of the affirmative action plan. The ultimate accountability for effectiveness of the affirmative action plan rests with the president. The affirmative action officer will be responsible for but not limited to the following:

1. Formulating, in concert with college departments, objectives consistent with positive equal employment opportunity and state and federal laws.

2. Keeping the institution informed of the latest developments in affirmative action policies and laws.

3. Ensuring that the spirit of the college’s EEO policies are being developed and maintained in all areas and that, if necessary, added emphasis and encouragement is offered in order that the program goals and objectives may be realized to the fullest degree possible.

4. In conjunction with the Office of Human Resources and applicable hiring departments, implementing recruitment programs for classes of individuals which are underrepresented in our workforce, individuals with disabilities, veterans, and women.

5. Serving as liaison between the college and enforcement agencies, minority organizations and community action groups concerned with employment opportunities for classes of individuals which are underrepresented in our workforce, individuals with disabilities and women.

6. Reviewing the qualifications of employees, when appropriate, to ensure that classes of individuals which are underrepresented in our workforce, individuals with disabilities and women are given full opportunities for transfers and promotions.
AMERICANS WITH DISABILITIES ACT/504 COORDINATOR AND COMPLAINT PROCEDURE INFORMATION

Ms. Elizabeth Canning, JD, Director of Institutional Equity, has been designated to be the coordinator of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title I and Title V of the Americans with Disabilities Act (ADA). In this position her duties and responsibilities are:

1. Working with other stakeholders to provide a work and educational environment that is accessible for individuals with disabilities through such efforts as: identifying necessary modifications of the job site, reviewing and creating policy, offering support services, and addressing any complaint that an individual has not received an appropriate and reasonable accommodation.

2. Coordinating the implementation of all federal rules and regulations affecting the college in terms of compliance with the mandates of Section 504 and Title I and V of the ADA.

3. Complaints of discrimination based on disability should be filed with the Director of Institutional Equity/ADA/504 Coordinator and are handled pursuant to the Council on Postsecondary Education Complaint Procedures (Exhibit G).
DISSEMINATION OF PLAN AND POLICY
DISSEMINATION OF THE PLAN AND POLICY

A. Internal Dissemination of Policy

1. The Affirmative Action Plan will be distributed to all supervisory personnel. The affirmative action officer will review the local policy statement annually to ensure relevance and continued compliance with the Board of Education’s policy and government regulations. The Plan will be distributed to Union presidents and made available on the college’s website.

2. New employees are provided with the college’s policies prohibiting discrimination and harassment and acknowledge review of the same in writing. The acknowledgment shall be placed in the employee’s personnel file.

3. The current labor agreements between the college and the CCRIFA/NEA, ESPA/NEA, CCRIPSA/NEA, UNAP Local 5019, PTFA/NEA, and the CPE and RI Association of Certified Teachers of Motor Vehicles include a non-discrimination clause. Review of all clauses in these labor agreements is made on a continuing basis to ensure that they are non-discriminatory in both content and interpretation.

4. The president will continue to emphasize the college’s EEO commitments and apprise other members of the administration of the status of the affirmative action program goals and objectives. Administration members will, in turn, schedule meetings with all other employees to ensure their individual understanding and responsibility for effective implementation.

5. The college’s Equal Employment Opportunity commitment shall be part of employee development programs.

6. Equal Employment Opportunity posters will be displayed in prominent locations throughout the college. Among the locations where such postings will be made are the college’s website, job vacancy notices and the Office of Human Resources. The affirmative action officer and his/her contact information is available on various areas, such as the college’s Affirmative Action Plan and the college’s website, which includes several publications related to equal employment opportunity.
B. External Dissemination of Policy

1. Human Resources shall inform professional recruitment companies, when used, of the college’s commitment to hiring qualified members of underrepresented groups, veterans, individuals with disabilities and women.

2. Local organizations that assist individuals from underrepresented groups, such as women, individual with disabilities, veterans, and minority groups, community agencies, community leaders as well as colleges will be notified of the college’s commitment to hiring qualified members of underrepresented groups, veterans, individuals with disabilities and women.

3. A copy of the Affirmative Action Plan will be made available on the college’s website, and is available by request from the Office of Institutional Equity or Human Resources.

4. The “Equal Opportunity/Diversity Employer” slogan will be included in all recruitment advertising.

5. An EEO clause will be incorporated in all appropriate service leases and contracts.
POLICY STATEMENTS
POLICIES ON EQUAL OPPORTUNITY, DISCRIMINATION AND HARASSMENT

TO: All Employees and Students

FROM: Dr. Meghan Hughes, President

As president of the Community College of Rhode Island, it is my role to communicate to you the college’s policies related to equal opportunity, discrimination and harassment. Please review the following policies so that you understand the expectations of the college and any ramifications for violations.

POLICY ON DISCRIMINATION AND HARASSMENT AND FILING COMPLAINTS

In accordance with Rhode Island State Law 28-5.1, Rhode Island State Law 16-76.1, Executive Order 05-01 and federal discrimination laws, CCRI does not condone harassment of its employees or its students. Harassment includes, but is not limited to: slurs, jokes and other verbal, graphic or physical conduct relating to race, color, sex, gender, gender identity or expression, sexual orientation, religion, national origin, citizenship, age or disability.

Community college employees and students who violate this policy are subject to disciplinary action up to and including immediate discharge.

If you feel that you are being harassed as outlined above by a faculty member, staff member, student, or for that matter, by anyone, you should notify your supervisor, department head, the Office of Human Resources, Dean of Students, or the Director of Institutional Equity immediately. The matter will be investigated, where appropriate, according to the Council on Postsecondary Education Complaint Procedures (Exhibit G). Disciplinary action will be taken, when appropriate.

Your complaint will be kept confidential to the extent permitted by law and if reasonably possible, provided it does not impede the college’s ability to address behavior and comply with law. Retaliation for good faith complaints is prohibited.

Please do not assume that the college is aware of incidents or concerns. We encourage individuals to report complaints and concerns to the college so that we can help resolve them. For additional information, please call the Director of Institutional Equity, Ms. Elizabeth Canning at 401-825-1230. Ms. Canning manages complaints of discrimination and harassment according to the Complaint Procedures.

POLICY ON SERVICE DELIVERY

The college is committed to providing fair, courteous, and equitable service to the public. As per Rhode Island General Law 28-5.1 of the State of Rhode Island, the college shall render services to all persons without unlawful discrimination based on race, color, religion, sex, age, national
origin, sexual orientation, gender identity or expression, or disability and shall prohibit
discrimination in any programs and activities it assists. This includes grants, contracts, and all
areas where the State dollar is spent.

If any person feels that he/she has been discriminated against, he/she may contact the Office of
Personnel Administration/State Equal Opportunity Office, One Capitol Hill, Providence, Rhode
Island 02908-5865. The telephone number is 222-3090.

POLICY ON CONTRACTS

In accordance with Rhode Island General Law 28-5.1, the college shall require that all
contractors and suppliers of goods and services sign contracts containing an Equal Opportunity
Clause. The clause shall state that the parties agree to adhere to the provisions of all applicable
laws, rules and regulations, both State and Federal, including, but not limited to Rhode Island
General Law 28-5.1, Title VII of the Civil Rights Act of 1964, Rehabilitation Act of 1973 and
Executive Orders 11246 and 11375. Every effort will be made to solicit bids from Minority

POLICY STATEMENT FOR INDIVIDUALS WITH DISABILITIES AND VETERANS

The Community College of Rhode Island is fully committed to meet the specialized
affirmative action requirements to employ and advance individuals with disabilities and veterans
in accordance with the Americans with Disabilities Act of 1990, RI General Law 28-5.1,

It is the policy and practice of the college to provide equal opportunity for every employee. The
college encourages qualified individuals with disabilities, disabled veterans and qualified
veterans to participate fully in all employment opportunities. This policy applies to all decisions
about recruitment, hiring, compensation, benefits, transfers, promotions, layoffs and other
conditions of employment. Accordingly, all employment decisions shall be consistent with the
principles of equal employment opportunity.

The college will communicate to all employees and applicants its obligation to take affirmative
action to employ qualified individuals with disabilities, and covered veterans, in such a way as to
ensure understanding and acceptance.

The college will contact recruiting sources such as the Rhode Island Department of Labor and
Training’s Office of Veteran’s Services and appropriate educational or training institutions to
assist in recruiting qualified individuals with disabilities and covered veterans.

Elizabeth Canning, JD, is designated as the 504 Coordinator for the college. This entails
coordination of all divisions in the implementation of all Federal rules and regulations affecting
the Department in terms of compliance with the mandates of Section 504 of Title V of the
COMPLIANCE WITH GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

The college will fully comply with all laws and executive orders. The college will strive to fulfill requests for reasonable religious accommodation through voluntary substitutions, flexible work schedules, or transfers, provided that the accommodation does not change the essential functions and duties of the position. The college offers employees four "personal days" of paid leave per year that may be used for accommodating religious holidays or obligations. The college does not illegally discriminate against any qualified person in any facet of hiring or employment because of their religion or national origin.

COMPLIANCE WITH SEX DISCRIMINATION GUIDELINES

In our efforts to comply with federal law, state law, and executive orders on discrimination based on sex, gender, sexual orientation, gender identity and gender expression, the college will comply with the following procedures and practices:

1. The Community College of Rhode Island recruits for all positions regardless of sex, gender, sexual orientation, gender identity and gender expression. Any recruiting efforts, advertisements, postings, and/or related materials shall not include any preference based on sex, gender, sexual orientation, gender identity and gender expression.

2. Written personnel policies indicate that there will be no discrimination on the basis of sex, gender, sexual orientation, gender identity and gender expression.

3. No distinction based on sex, gender, sexual orientation, gender identity and gender expression will be made in employment opportunities, wages, and hours of work, schedules, class assignments, employee benefits, retirement, or any other condition of employment.

4. Leaves of absence for employees due to pregnancy, delivery or adoption, are granted on an individual basis, under the college’s leave of absence policy. Parental leave is afforded to all employees for the purpose of child raising in accordance with Personnel Rule 5.0661 (d) and State and Federal FMLA provisions.

5. Where seniority lists or lines of progression are used they shall not be based on an employee’s sex, gender, sexual orientation, gender identity and gender expression.

6. As openings occur, the college will take affirmative action to recruit and place women in those jobs in which we have determined that females are under-represented.

The college recognizes its obligation to provide a work atmosphere free of harassment and intimidation. Any forms of sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature, including those based on sex, gender-stereotyping or sexual orientation, will not be tolerated. Violations of this policy will be handled appropriately as part of the department’s disciplinary procedures and its posted policy letter in support of the federal guidelines on sexual harassment.
The Community College of Rhode Island reaffirms its desire to create a work and educational environment for its community members that nurtures and rewards career and educational goals on the basis of such relevant factors as ability and work performance. Discrimination and harassment based on sex, gender, sexual orientation, gender identity and gender expression are prohibited.

The college’s prohibition is further supported by the Council on Postsecondary Education’s Sexual Harassment and Sexual Violence Policy and the related Complaint Procedures.

All members of the college community are expected to honor this prohibition and comply with applicable policies and laws. Supervisors and managers are particularly responsible for enforcing this policy and will bring to the attention of their subordinate supervisors and employees the policy as stated herein.

All complaints of sex discrimination and sexual harassment should be registered with Ms. Elizabeth Canning, Director of Institutional Equity & Title IX Coordinator, at 401-825-1230.
INDIVIDUALS WITH DISABILITIES, DISABLED VETERANS, VIETNAM-ERA AND PERSIAN GULF-ERA VETERANS
POLICY ON NON-DISCRIMINATION FOR INDIVIDUALS WITH DISABILITIES, DISABLED VETERANS, VIETNAM- AND PERSIAN GULF-ERA VETERANS

TO: All Employees and Students

FROM: Dr. Meghan Hughes, President

It has been a long-standing policy of the college to employ and promote qualified individuals without discrimination against any employee or applicant for employment, because of a physical or mental disability, disabled veteran status or Vietnam-era and Persian Gulf-era military service commitment.

1. Our policy is to initiate affirmative action to employ, advance in employment and to otherwise treat qualified, disabled individuals, disabled veterans and Vietnam-era and Persian Gulf-era veterans without illegal discrimination in the employment process.

2. Implementation of the affirmative action program is a priority of the college. This commitment is stated in our college policy so that all employees, prospective employees, sources of employment, students, suppliers and community leaders are aware of the college’s position.

3. From time to time, the college studies the existing physical barriers and safety hazards for individuals with a disability and for disabled veterans. The college makes reasonable accommodations for the physical and mental limitations of employees and applicants. Accommodations must be consistent with job qualifications and within the parameters of the effective operation of the college.

4. Vietnam-era, Persian Gulf-era and disabled veterans will not be illegally discriminated against based on recruitment, hiring, physical and mental limitations.

5. The work environment will be made accessible to the Vietnam-era, Persian Gulf-era and disabled veterans through the disability accommodation process which may include the following accommodations: modifying the job site, offering support services, providing special equipment, restructuring of equipment and restructuring of the job duties when possible.

6. An Equal Employment Opportunity clause will be incorporated in all appropriate service leases and contracts.

7. The college is participating in VetSuccess, a pilot program that places an experienced vocational counselor at colleges to provide outreach, support and assistance with VA benefits to student veterans, student active duty military and dependents. CCRI is one of two community colleges added in this second phase of the program.

Micaela Black is the college’s VetSuccess counselor, (401) 612-3470
INDIVIDUALS WITH DISABILITIES, DISABLED VETERANS, VIETNAM-ERA AND PERSIAN GULF-ERA VETERANS POLICY AND PROCEDURE

In order to meet the requirements of the Americans with Disabilities Act of 1990, Rhode Island General Law 28-5.1, Executive Order 92-2 and Vietnam Era Veterans Readjustment Act of 1974, the following actions have been taken to employ and advance individuals with disabilities and veterans:

2016-2017
ACTIVITIES

1. New employees of the college attended a mandatory orientation in the Office of Human Resources where they were informed about the college's educational opportunities.

2. Vacancy notices were posted in conspicuous places, mailed internally to all offices of the college, and externally to minority and state agencies.

3. Reasonable accommodations were provided to individuals who requested them during the recruitment and selection processes as well as to employees. Reasonable accommodations may include modifying the job-site, support services, special equipment, restructuring the job, etc., as appropriate.

4. The college's efforts to provide an accessible and equitable learning and working environment were supported by the college's ADA committee which meets regularly to address issues of access and accommodation at the college.

5. Disability Services for Students offered a free professional development opportunity for CCRI faculty and staff: a semester-long hybrid course addressing accessibility, disability, and culture. Participants who successfully complete the course receive a certification placed in their personnel file and materials that formally certify them as A-TASC Force graduates. Recipients may submit the course for ongoing professional development credits from accrediting institutions.

2017-2018
PLANNED ACTIVITIES

1. The ADA committee will continue to meet to discuss access and accommodation at the college, including recommending appropriate policy and procedure.

2. The college intends to continue to purchase the necessary equipment and software so that the institution will comply with all ADA requirements.

3. The college will continue to post vacant positions in publications that enable the college to reach a more diverse applicant pool, including sites that reach veterans.
4. The main outdoor ramp to the second floor of the Knight Campus will be modified in the summer of 2018.

5. The college is in the process of increasing ease of access on the Knight campus by making access through certain sets of double doors electronic.

6. The college continues to offer A-TASC Force certifications.
PROGRAM EVALUATION
## EQUAL EMPLOYMENT OPPORTUNITY/CIVIL RIGHTS COMPLAINT PROFILE

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### Notes

- Position must be filled by applicant listed in attached list
- Individual must meet qualifications
- Job not filled not filled
- Position does not exist
- "Vacancy" indicates vacant position

### Agency Information

**Agency:** Community College of Rhode Island  
**Date:** 07/15/2016 - 08/02/2017

### Applicants

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**AGENCY:** Community College of Rhode Island  
**Page 5 of 8**  
**DATE:** 07/01/2010 - 06/30/2011
## Applicant Flow Data

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*Also includes disabled in appropriate job categories.*

The Applicants chart includes:
1. Only applicants that self-identified
2. Skips for only one posting (that had multiple hires)
3. Canceled/failure posting applicant stats

The Applicants chart does NOT include the following applicant information:
1. Positions posted in 2016-17 but not filled by 6/30/17
2. Hiring Lecturers hired with posting

Please note, total applicant #s include disabled & veteran causing duplicate #s.
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<td>GRAND TOTAL</td>
<td>742</td>
<td>690</td>
<td>32</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Percentages by Category:

- Black: 6.93%
- Hispanic: 4.18%
- American Indian: 0.94%
- Asian/Pacific Islander: 2.86%

### Agencies:
- Community College of Rhode Island

### Date:
- 07/01/2016 - 06/30/2017
IDENTIFICATION AND ANALYSIS
OF PROBLEM AREAS, INCLUDING DETERMINING
UNDERREPRESENTATION AND GOAL SETTING
IDENTIFICATION AND ANALYSIS OF PROBLEM AREAS – REPORT FROM AFFIRMATIVE ACTION OFFICER

A. WORKFORCE COMPOSITION AND ANALYSIS

To assist in the identification of those workforce areas within the college that need improvement, the college has examined the composition of the college’s workforce as it pertains to job categories and employment actions. Special analysis was done to the workforce areas where under-representation was apparent.

The State of Rhode Island’s Equal Opportunity Office has identified the following percentages as they relate to civilian labor force under-representation: 24% Minority, 48.9% women, 7% Disabled, 8% Veterans. The entire higher education community, both local and national, continues experiencing difficulty in the recruitment and retaining of minority faculty members.

Progress:

President Meghan Hughes made workforce diversity and inclusion a priority of her administration, and her first year of presidency demonstrated the immediacy of this commitment. During 2016-17, the Community College of Rhode Island made measurable progress toward its workforce goals. New hires were composed of 26% underrepresented minorities, 53% women, and 9% veterans. While the percentage of women in the college’s total workforce has remained steady at 62%, 2016-2017 saw an increase in the number of underrepresented minorities to 14% (from 12% in 2015-2016). While we increased the number of disabled employees by 50%, the total headcount remains low and we will continue our work to increase the representation of disabled employees in our workforce.

In analyzing the demographics of the applicant pool, it is important to note that Caucasian individuals make up a significant portion of the applicants. This is relevant information for considering our recruiting strategies, applicant pool and hiring process. Some categories are examined in detail below:

- In the faculty category, Caucasian individuals were 67% of the applicants and 66% of the hires; underrepresented minorities were 28% of the applicants and 29% of the hires (This is a meaningful increase over 2015-16, where underrepresented minorities were 24% of the applicants, but 0% of the hires); veterans were 3% of the applicants and 3% of the hires; disabled individuals were 1.9% of the applicants and 3.7% of the hires; women were 44% of the applicants and 59% of the hires.
- In the professionals category, Caucasian individuals were 70% of the applicants and 57% of the hires; underrepresented minorities were 23% of the applicants and 40% of the hires; veterans were 3% of the applicants and 4% of the hires; disabled individuals were 2.5% of the applicants and 0% of the hires; women were 67% of the applicants and 70% of the hires.

1 Note that the total applicant #s include disabled & veterans causing duplicate #s as these identities intersect with other identities.
Affirmative action strategy to be taken:
While the college's hiring statistics and increased numbers of underrepresented minorities demonstrate its deep, unwaivering commitment to a diverse and inclusive workforce, the college will seek ways to increase applications from underrepresented minorities, veterans and disabled individuals, and find ways to ensure the hiring process continues to support equity:

1. The college will take steps to increase the diversity of its applicants. This includes creating recruiting action plans for engaging in outreaching and networking, including with applicable industry organizations, and doing so with a commitment to EEO. The Office of Institutional Equity and Human Resources will help stakeholders with this work and provide assistance and guidance.
2. The college will continue to work with local and online resources that will help the college with its goal of achieving a greater diversity in its applicant pool.
3. The college will offer training to hiring managers and committees on best practices for hiring and on addressing implicit/unconscious bias in the hiring process.

B. EMPLOYMENT RECRUITMENT AND SELECTION PROCESS

Progress:
Open positions are posted online on the CCRI website and the state website. Positions are also posted on a variety of other online employment sites and local papers. Paper copies of open positions are posted throughout the campus in conspicuous places, including in Human Resources, so that employees can see what positions are available.

The Director of Institutional Equity (affirmative action officer), working with the Office of Human Resources, monitors the employment and selection of all vacancies and pays attention to the self-disclosed identities of applicants to assess the progress of the college’s diverse hiring goals. Applicants have the option to self-disclose their underrepresented status when applying for a vacancy via the CCRI Employment website. The Office of Human Resources also mails Equal Employment Opportunity cards to candidates applying for civil service list vacancies at the college. If returned to the college, the Office of Human Resources records the information. However, applicants may decide not to disclose their underrepresented status, presenting a challenge to obtaining the necessary EEO information regarding ethnic minorities, veterans, and individuals with disabilities.

Affirmative action strategy to be taken:

1. To continue to place advertisements in local minority newspapers and area minority-focused community program sites.
2. Positions, including faculty positions, will be placed in online, national diversity recruiting sites, as appropriate to the position and the search.
3. Job descriptions are revised to indicate the college’s commitment to excellence created by diversity and inclusion and welcomes applicants who can join the college in this commitment.

4. A new hiring manual will be created to assist hiring managers and search committees.

5. Training on unconscious bias and its impact on the workplace, including hiring decisions and management practices, will be offered to search committees and to all employees.

C. EXIT INTERVIEWS

**Progress:**
Exit interview forms are sent to each employee who terminates employment, informing them of their right to meet with staff of the State Equal Opportunity Office in order to discuss conditions surrounding their employment and termination. Completed forms are forwarded to the Rhode Island’s Equal Opportunity Office accordingly.

**Affirmative action strategy to be taken:**
Continue with current actions.

D. FLEX TIME

**Progress:**
Flex time may be authorized on a temporary basis provided it is in accordance with union contracts, departmental requirements and department staffing needs.

**Affirmative action strategy to be taken:**
Continue with current actions.

E. POSTING OF POSITIONS

**Progress:**
The college posts all vacancies in accordance with Rhode Island equal employment laws. Open positions are posted online on the CCRRI website and the state website. Positions are also posted on a variety of other online employment sites and local papers. Attention has been given to ensuring that the sites used will enable the college to reach a diverse potential pool of applicants. Paper copies of open positions are posted throughout the campus in conspicuous places, including in Human Resources, so that employees can see what positions are available.

**Affirmative action strategy to be taken:**
1. Continue to evaluate online sites and other resources to determine whether they are allowing the college to reach a broad and diverse talent pool.
2. Hiring managers and department heads to communicate with Human Resources to determine if there are additional sites for postings, including industry-specific sites.

F. TRANSFER AND PROMOTION PRACTICES

**Progress:**
Minorities and women are being transferred and promoted in accordance with affirmative action requirements and union contracts. Paper copies of open positions are posted throughout the campus in conspicuous places, including in Human Resources, so that employees can see what positions are available.

**Affirmative action strategy to be taken:**
Identify ways to demonstrate the college’s commitment to valuing its existing workforce. Support employee development and opportunities by promoting tuition waiver programs and encouraging employees’ participation in them. The college will also be creating in-house employee development programs to provide employees with easier access to growth and development opportunities.

**B. TECHNICAL COMPLIANCE**

**Progress:**
The Community College of Rhode Island is in compliance with the requirements of affirmative action and equal opportunity policies, regulations and federal and state laws. The college provided new employees with copies of all relevant policies, engaged in intentional efforts to hire with its commitment to EEO as part of the process, and provided educational opportunities to employees in an effort to support an inclusive and non-discriminatory environment. The college takes seriously any complaints of discrimination or harassment and seeks to address any concerns of the same that may impact the workplace. The college has provided clear avenues for employees to request accommodations and has worked with employees to provide accommodations.

**Affirmative action strategy to be taken:**
The college will continue to disseminate applicable policies, post positions conspicuously, and offer educational opportunities to employees. The college will assess and develop new programs and plans of actions to grow and develop an effective, productive and inclusive workforce. The college will continue to respond to complaints of discrimination and harassment.

**F. TERMINATIONS**

**Progress:**
Decisions to terminate employment of an employee, without their consent, are made carefully and include assessments of that employee’s ability to comply with their job duties and the expectations of employment. Appropriate policies are applied when allegations of misconduct arise and are the basis for terminations. Many employees terminate their own employment at the college and retire, resign, or take positions elsewhere.

**Affirmative action strategy to be taken:**
Continue to assess each employee’s status, job duties and expectations. Apply appropriate policies.
C. TRAINING PROGRAMS

Progress:
The college provided training opportunities through a variety of sources. CCRI is a member of Rhode Island Higher Education Training Consortium (RIHETC), and all employees are provided the opportunity to participate in development programs offered by the consortium. The college also offers online training through Lynda.com on a variety of employment-related topics. The Rhode Island Department of Administration also offers courses for state employees from time to time, and employees are offered the opportunity to attend these sessions.

As set forth in their contracts, members of the ESPA and PSA unions are provided a financial incentive should they complete a series of development programs.

The college continued providing online harassment training through its insurance carrier, United Educators. During this reporting year, more than 300 employees were trained in harassment issues. This online training has been customized for staff/faculty and for supervisors. In addition, through Disability Student Services, the college offers all employees an intensive training course on the Americans with Disabilities Act and Section 504, called the A-TASC Force certification. This program discusses disability law and the importance of accessibility.

Affirmative action strategy to be taken:
The college will continue to provide employees with the opportunity to attend courses through RIHETC, participate in United Educators' online training and Lynda.com. This year, the college is providing several on-site educational courses for employees. Starting with managers, supervisors and chairs, the college is providing tools for effective leadership through a defined leadership program. The courses will include laws and policies prohibiting discrimination, unconscious bias, and tools for effective and inclusive hiring. In addition, the college is providing in-person training on its policies prohibiting discrimination and harassment. The college will also offer professional development programs on site for all employees. A majority of the programs will include institutional mission, ethics, and ways to support an inclusive environment, all of which tie back to the college's commitment to EEO.
DETERMINING UNDERREPRESENTATION AND GOAL SETTING
APPENDIX - EXHIBITS

A  Description of Job Categories
B  Racial/Ethnic Identification
C  Laws and Orders Governing Equal Opportunity
D  Minority Referral Agencies and Community Based Organizations
E  Reasonable Accommodations
F  Council on Postsecondary Education Sexual Harassment and Sexual Violence Policy
G  Council on Postsecondary Education Complaint Procedures
H  Discrimination Complaint Forms
I  Retaliation or Coercion Statement
J  Exit Interview Procedures
K  Equal Opportunity Advisory Committee Guidelines
L  List of State Enforcement Agencies
Exhibit A

Description of Job Categories
DESCRIPTION OF JOB CATEGORIES

Officials and Administrators:
Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies or direct individual departments or social phases of the agency’s operations or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers and kindred workers.

Professionals:
Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists and kindred workers.

Technicians:
Occupations that require a combination of basic scientific or technical knowledge and manual skills that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafter, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers) and kindred workers.

Protective Service Workers:
Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance) and kindred workers.

Para-Professionals:
Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience that is normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a “new careers” concept. Includes: research assistants, medical aides, child support workers, policy auxiliary, welfare service aids, recreation assistants, homemaker aides, home health aides, library assistants and clerks, ambulance drivers, attendants and kindred workers.
Administrative Support:
Occupations in which workers are responsible for internal and external communications, recording and retrieval of data and/or information and other paperwork required to an office. Includes: Bookkeepers, Messengers, Clerk Typists, Stenographers, Court Transcribers, Hearing Reporters, Statistical Clerks, Dispatchers, License Distributors, Payroll Clerks, Office Machine and Computer Operators, Telephone Operators, Legal Assistants, Sales Workers, Cashiers, Toll Collectors and kindred workers.

Skilled Craft Workers:
Occupations in which workers perform jobs that require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work that is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators and kindred workers.

Service/Maintenance:
Occupations in which workers perform duties that result in or contribute to the comfort, convenience, hygiene or safety of the general public or that contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operators, truck drivers, bus drivers, garbage laborers, custodial employees, gardeners and groundskeepers, refuse collectors and construction laborers, park ranger maintenance; farm workers (except managers), craft apprentices/trainees/Helpers and kindred workers.
Exhibit B

Racial/Ethnic Information
Racial / Ethnic Designations Minority Group

An employee may be included in the group by which he or she appears to belong, identifies with or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic group.

BLACK/AFRICAN AMERICAN (not of Hispanic Origin): All persons having origins in any of the Black Racial Groups of Africa.

HISPANIC/LATINO: All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race. Only those persons of Central or South American Countries who are of Spanish origin, descent or culture should be included in this classification. Persons from Brazil, Guyana, Surinam or Trinidad, for example, would be classified according to their race and would not necessarily be included in the Hispanic classification. In addition, this classification does not include persons from Portugal who should be classified according to race.

ASIAN OR PACIFIC ISLANDER: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea the Philippine Islands and Samoa. The Indian subcontinent takes in the countries of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim and Bhutan.

AMERICAN INDIAN or ALASKAN NATIVE: A person having origins in any of the original peoples or North America and who maintain cultural identification through tribal affiliation or community recognition.

WHITE (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Exhibit C

Laws and Orders Governing Equal Opportunity
PRIVATE EMPLOYMENT,
STATE AND LOCAL GOVERNMENTS
EDUCATIONAL INSTITUTIONS
RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

The law covers applicants to and employees of most private employers, state and local governments and public or private educational institutions. Employment agencies, labor unions, and apprenticeship programs are also covered.

AGE:
The Age Discrimination in Employment Act of 1967, as amended, prohibits age discrimination and protects applicants and employees 40 years of age or older from discrimination on account of age in hiring, promotion, discharge, compensation, terms, conditions, or privileges of employment. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

SEX (WAGES):
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment. The law covers applicants to and employees of most private employers, state and local governments and educational institutions. Labor organizations cannot cause employers to violate the law. Many employers not covered by Title VII, because of size, are covered by the Equal Pay Act.

DISABILITY:
The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants employees with disabilities with reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.
EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES:
On September 24, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs published a Final Rule in the Federal Register that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR Part 60-741. Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities (IWDs), and requires these employers to take affirmative action to recruit, hire, promote, and retain these individuals. The new rule strengthens the affirmative action provisions of the regulations to aid contractors in their efforts to recruit and hire IWDs, and improve job opportunities for individuals with disabilities. The new rule also makes changes to the nondiscrimination provisions of the regulations to bring them into compliance with the ADA Amendments Act of 2008. The new Section 503 regulations became effective on March 24, 2014. However, contractors with a written affirmative action program (AAP) already in place on the effective date have additional time to come into compliance with the AAP requirements. This compliance structure seeks to provide contractors the opportunity to maintain their current AAP cycle.

Highlights of the New Regulations

Utilization goal: The new regulations establish a nationwide 7% utilization goal for qualified IWDs. Contractors apply the goal to each of their job groups, or to their entire workforce if the contractor has 100 or fewer employees. Contractors must conduct an annual utilization analysis and assessment of problem areas, and establish specific action-oriented programs to address any identified problems.

Data collection: The new regulations require that contractors document and update annually several quantitative comparisons for the number of IWDs who apply for jobs and the number of IWDs they hire. Having this data will assist contractors in measuring the effectiveness of their outreach and recruitment efforts. The data must be maintained for three years to be used to spot trends.

Invitation to Self-Identify: The new regulations require that contractors invite applicants to self-identify as IWDs at both the pre-offer and post-offer phases of the application process, using language prescribed by OFCCP. The new regulations also require that contractors invite their employees to self-identify as IWDs every five years, using the prescribed language. This language is posted in the Self-Identification Form, below.

Incorporation of the EO Clause: The new regulations require that specific language be used when incorporating the equal opportunity clause into a subcontract by reference. The mandated language, though brief, will alert subcontractors to their responsibilities as Federal contractors.

Records Access: The new regulations clarify that contractors must allow OFCCP to review documents related to a compliance check or focused review, either on-site or off-site, at OFCCP’s option. In addition, the new regulations require contractors, upon request, to inform OFCCP of all formats in which it maintains its records and provide them to OFCCP in whichever of those formats OFCCP requests.

ADAAA: The new regulations implement changes necessitated by the passage of the ADA Amendments Act (ADAAA) of 2008 by revising the definition of "disability" and certain nondiscrimination provisions.
COVERED VETERANS AND DISABLED VETERANS:

Covered veterans means any of the following:

1) Disabled veterans;

2) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized;

3) Veterans who, while serving on active duty with the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal (AFSM) was awarded pursuant to Executive Order 12985; and

4) Recently separated veterans.

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the authorities above. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act or 38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act should immediately contact:

PROGRAMS OR ACTIVITIES RECEIVING
FEDERAL FINANCIAL ASSISTANCE

RACE, COLOR, NATIONAL ORIGIN, SEX:
In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities that receive Federal assistance.

If you believe you have been discriminated against in a program of any institution that receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

INDIVIDUALS WITH DISABILITIES:
Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs.

Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.
TITLE 28
Labor and Labor Relations

CHAPTER 28-5.1
Equal Opportunity and Affirmative Action

SECTION 28-5.1-1

§ 28-5.1-1 Declaration of policy.

(a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation.

(2) All policies, programs, and activities of state government shall be periodically reviewed and revised to assure their fidelity to this policy.

(3) Each department head shall make a report to the governor and the general assembly not later than September 30 of each year on the statistical results of the implementation of this chapter and to the state equal opportunity office; provided, that the mandatory provisions of this section do not apply to the legislative branch of state government.

(b) The provisions of this chapter shall in no way impair any contract or collective bargaining agreement currently in effect. Any contract or collective bargaining agreements entered into or renewed after July 6, 1994 shall be subject to the provisions of this chapter.

§ 28-5.1-2 State equal opportunity office.

(a) There shall be a state equal opportunity office. This office, under the direct administrative supervision of the office of diversity, equity and opportunity, shall report to the governor and to the general assembly on state equal opportunity programs. The state equal opportunity office shall be responsible for ensuring compliance with the requirements of all federal agencies for equal opportunity and shall provide training and technical assistance as may be requested by any company doing business in Rhode Island and all state departments as is necessary to comply with the intent of this chapter.

(b) The state equal opportunity office shall issue any guidelines, directives, or instructions that are necessary to effectuate its responsibilities under this chapter, and is authorized to investigate possible discrimination, hold hearings, and direct corrective action to the discrimination.

§ 28-5.1-3 Affirmative action.

(a) The state equal opportunity office shall assign an equal opportunity officer as a liaison to agencies of state government.
(b) Each state department or agency, excluding the legislative branch of state government, shall annually prepare an affirmative action plan. These plans shall be prepared in accordance with the criteria and deadlines set forth by the state equal opportunity office. These deadlines shall provide, without limitation, that affirmative action plans for each fiscal year be submitted to the state equal opportunity office and the house fiscal advisor no later than March. These plans shall be submitted to and shall be subject to review and approval by the state equal opportunity office.

(c) Any affirmative action plan required under this section deemed unsatisfactory by the state equal opportunity office shall be withdrawn and amended according to equal opportunity office criteria, in order to attain positive measures for compliance. The state equal opportunity office shall make every effort by informal conference, conciliation and persuasion to achieve compliance with affirmative action requirements.

(d) The state equal opportunity office shall effect and promote the efficient transaction of its business and the timely handling of complaints and other matters before it, and shall make recommendations to appropriate state officials for affirmative action steps towards the achievement of equal opportunity.

(e) The state equal opportunity administrator shall serve as the chief executive officer of the state equal opportunity office, and shall be responsible for monitoring and enforcing all equal opportunity laws, programs, and policies within state government.

(f) No later than July 1 each state department or agency, excluding the legislative branch of state government, shall submit to the state equal opportunity office and the house fiscal advisor sufficient data to enable the state equal opportunity office and the house fiscal advisor to determine whether the agency achieved the hiring goals contained in its affirmative action plan for the previous year. If the hiring goals contained in the previous year's plan were not met, the agency shall also submit with the data a detailed explanation as to why the goals were not achieved.

(g) Standards for review of affirmative action plans shall be established by the state equal opportunity office, except where superseded by federal law.

(h) For purposes of this section, "agency" includes, without limitation, all departments, public and quasi-public agencies, authorities, boards, and commissions of the state, excluding the legislative branch of state government.

(i) The state equal opportunity office shall continually review all policies, procedures, and practices for tendencies to discriminate and for institutional or systemic barriers for equal opportunity, and it shall make recommendations with reference to any tendencies or barriers in its annual reports to the governor and the general assembly.

(j) Relevant provisions of this section also apply to expanding the pool of applicants for all positions where no list exists. The equal opportunity administrator is authorized to develop and implement recruitment plans to assure that adequate consideration is given to qualified minority applicants in those job categories where a manifest imbalance exists, excluding those job categories in the legislative branch of state government.

§ 28-5.1-3.1 Appointments to state boards, commissions, public authorities, and quasi-public corporations.
(a) The general assembly finds that, as a matter of public policy, the effectiveness of each appointed state board, commission, and the governing body of each public authority and quasi-public corporation is enhanced when it reflects the diversity, including the racial and gender composition, of Rhode Island's population. Consequently, each person responsible for appointing one or more individuals to serve on any board or commission or to the governing body of any public authority or board shall endeavor to ensure that, to the fullest extent possible, the composition of the board, commission, or governing body reflects the diversity of Rhode Island’s population.

(b) During the month of January in each year the boards, agencies, commissions, or authorities are requested to file with the state equal opportunity office a list of its members, designating their race, gender, and date of appointment.

(c) Of the candidates considered for appointment by the governor and the general assembly, the governor and the general assembly shall give due consideration to recommendations made by representatives of Rhode Island’s minority community-based organizations. The human resources outreach and diversity office shall act as the liaison with state government and shall forward the recommendations to appointing authorities.

(d) The appointing authority, in consultation with the equal employment opportunity administrator and the human resources outreach and diversity administrator within the department of administration, shall annually conduct a utilization analysis of appointments to state boards, commissions, public authorities and quasi-public corporations based upon the annual review conducted pursuant to § 28-5.1-3.

(e) The equal employment opportunity administrator shall report the results of the analysis to the Rhode Island commission for human rights and to the general assembly by or on January 31 and July 31 of each year, consistent with § 28-5.1-17. The report shall be a public record and shall be made available electronically on the secretary of state’s website.

§ 28-5.1-3.2 Enforcement.

(a) The state equal opportunity administrator is authorized to initiate complaints against any agencies, administrators, or employees of any department or division within state government, excluding the legislative branch, who or which willfully fail to comply with the requirements of any applicable affirmative action plan or of this chapter or who or which fail to meet the standards of good faith effort, reasonable basis, or reasonable action, as defined in guidelines promulgated by the federal Equal Employment Opportunity Commission as set forth in 29 CFR 1607.

(b) Whenever the equal employment opportunity administrator initiates a complaint, he or she shall cause to be issued and served in the name of the equal employment opportunity office a written notice, together with a copy of the complaint, requiring that the agency, administrator, agent, or employee respond and appear at a hearing at a time and place specified in the notice. The equal employment opportunity office shall follow its lawfully adopted rules and regulations concerning hearings of discrimination complaints.

(c) The equal employment opportunity office shall have the power, after a hearing, to issue an order requiring a respondent to a complaint to cease and desist from any unlawful discriminatory practice and/or to take any affirmative action, including, but not limited to, hiring, reinstatement, transfer, or upgrading employees, with or without back pay, or dismissal, that may be necessary to secure compliance with any applicable affirmative action plan or with state or federal law.
(d) A final order of the equal employment opportunity office constitutes an "order" within the meaning of § 42-35-1(g); is enforceable as an order; is to be rendered in accordance with § 42-35-12; and is subject to judicial review in accordance with § 42-35-15.

§ 28-5.1-4 Employment policies for state employees.

(a) Each appointing authority shall review the recruitment, appointment, assignment, upgrading, and promotion policies and activities for state employees without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. All appointing authorities shall hire and promote employees without discrimination.

(b) Special attention shall be given to the parity of classes of employees doing similar work and the training of supervisory personnel in equal opportunity/affirmative action principles and procedures.

(e) Annually, each appointing authority shall include in its budget presentation any necessary programs, goals and objectives that shall improve the equal opportunity aspects of their department's employment policies.

(d) Each appointing authority shall make a monthly report to the state equal opportunity office on persons hired, disciplined, terminated, promoted, transferred, and vacancies occurring within their department.

§ 28-5.1-5 Personnel administration.

(a)(1) The office of personnel administration of the department of administration, in consultation with the office of diversity, equity and opportunity, shall prepare a comprehensive plan indicating the appropriate steps necessary to maintain and secure the equal-opportunity responsibility and commitment of that division. The plan shall set forth attainable goals and target dates based upon a utilization study for achievement of the goals, together with operational assignment for each element of the plan to assure measurable progress.

(2) The office of personnel administration shall:

(i) Take positive steps to ensure that the entire examination and testing process, including the development of job specifications and employment qualifications, is free from either conscious or inadvertent bias, and

(ii) Review all recruitment procedures for all state agencies covered by this chapter for compliance with federal and state law, and bring to the attention of the equal opportunity administrator matters of concern to its jurisdiction.

(3) The division of budget shall indicate in the annual personnel supplement progress made toward the achievement of equal-employment goals.

(4) The division of purchases shall cooperate in administering the state contract-compliance programs.

(5) The division of statewide planning shall cooperate in ensuring compliance from all recipients of federal grants.

(b) The office of labor relations shall propose in negotiations the inclusion of affirmative-action language suitable to the need for attaining and maintaining a diverse workforce.
(c) There is created a six-member (6) committee that shall monitor negotiations with all collective bargaining units within state government specifically for equal-opportunity and affirmative-action interests. The members of that committee shall include the director of the Rhode Island commission for human rights, the associate director of the office of diversity, equity and opportunity, the equal opportunity administrator, the personnel administrator, one member of the house of representatives appointed by the speaker, and one member of the senate appointed by the president of the senate.

§ 28-5.1-6 Commission for human rights.

The Rhode Island commission for human rights shall exercise its enforcement powers as defined in chapter 5 of this title and in this chapter, and shall have the full cooperation of all state agencies. Wherever necessary, the commission shall, at its own initiative or upon a complaint, bring charges of discrimination against those agencies and their personnel who fail to comply with the applicable state laws and this chapter. This commission also has the power to order discontinuance of any departmental or division employment pattern or practice deemed discriminatory in intent by the commission, after a hearing on the record, and may seek court enforcement of such an order. The commission shall utilize the state equal opportunity office as its liaison with state government. The Rhode Island commission for human rights is authorized to make any rules and regulations that it deems necessary to carry out its responsibilities under this chapter, and to establish any sanctions that may be appropriate within the rules and regulations of the state.

§ 28-5.1-7 State services and facilities.

(a) Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, rational origin, or disability. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning those patterns or practices.

(b) At the request of the state equal opportunity office, each appointing authority shall critically analyze all of its operations to ascertain possible instances of noncompliance with this policy and shall initiate sustained, comprehensive programs based on the guidelines of the state equal opportunity office to remedy any defects found to exist.

§ 28-5.1-8 Education, training, and apprenticeship programs.

(a) All educational programs and activities of state agencies, or in which state agencies participate, shall be open to all qualified persons without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. The programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all participants.

(b) Those state agencies responsible for educational programs and activities shall take positive steps to insure that all programs are free from either conscious or inadvertent bias, and shall make quarterly reports to the state equal opportunity office with regard to the number of persons being served and to the extent to which the goals of the chapter are being met by the programs.

(c) Expansion of training opportunities shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.
§ 28-5.1-9 State employment services.

(a) All state agencies, including educational institutions, which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any persons because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability.

(b) The agencies shall advise the commission for human rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination.

(c) The agencies shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants from minority groups.

(d) The department of labor and training, the governor's commission on disabilities, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions, to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which remedy any situations or programs which have a negative impact on protected classes within the state.

§ 28-5.1-10 State contracts.

The division of purchases shall prepare any rules, regulations, and compliance reports that shall require of state contractors the same commitment to equal opportunity as prevails under federal contracts controlled by federal executive orders 11246, 11625 and 11375. Affirmative action plans prepared pursuant to those rules and regulations shall be reviewed by the state equal opportunity office. The state equal opportunity office shall prepare a comprehensive plan to provide compliance reviews for state contracts. A contractor's failure to abide by the rules, regulations, contract terms, and compliance reporting provisions as established shall be ground for forfeitures and penalties as established by the department of administration in consultation with the state equal opportunity office.

§ 28-5.1-11 Law enforcement.

The attorney general, the department of corrections, and the Rhode Island justice commission shall stress to state and local law enforcement officials the necessity for nondiscrimination in the control of criminal behavior. These agencies shall develop and publish formal procedures for the investigation of citizen complaints of alleged abuses of authority by individual peace officers. Employment in all state law enforcement and correctional agencies and institutions shall be subject to the same affirmative action standards applied under this chapter to every state unit of government, in addition to applicable federal requirements.

§ 28-5.1-12 Health care.

The state equal opportunity office shall review the equal opportunity activity of all private health care facilities licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes, and clinics. These state licensed or chartered facilities shall be required to comply with the state policy of equal opportunity and nondiscrimination in patient admissions, employment, and health care
service. The compliance shall be a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or of eligibility to receive any form of assistance.

§ 28-5.1-13 Private education institutions.

The state equal opportunity office shall review all private educational institutions licensed or chartered by the state, including professional, business, and vocational training schools. These state licensed or chartered institutions shall at the request of the board of regents of elementary and secondary education be required to show compliance with the state policy of nondiscrimination and affirmative action in their student admissions, employment, and other practices as a condition of continued participation in any state program or of eligibility to receive any form of state assistance.

§ 28-5.1-14 State licensing and regulatory agencies.

State agencies shall not discriminate by considering race, color, religion, sex, sexual orientation, gender, identity or expression, age, national origin, or disability in granting, denying, or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against or segregate any person on these grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according to equal employment treatment and access to their services to all persons, except unless otherwise exempted by the laws of the state. Any licensee, charter holder, or retail sales permit holder who fails to comply with this policy is subject to any disciplinary action that is consistent with the legal authority and rules and regulations of the appropriate licensing or regulatory agency. State agencies which have the authority to grant, deny, or revoke licenses or charters will cooperate with the state equal opportunity office to prevent any person, corporation, or business firm from discriminating because of race, color, religion, sex, sexual orientation, gender, identity or expression, age, national origin, or disability or from participating in any practice which may have a disparate effect on any protected class within the population. The state equal opportunity office shall monitor the equal employment opportunity activities and affirmative action plans of all such organizations.

§ 28-5.1-15 State financial assistance.

State agencies disbursing financial assistance, including, but not limited to, loans and grants, shall require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination. At the request of the state equal opportunity office, state agencies disbursing assistance shall develop, in conjunction with the state equal opportunity office, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action and shall be reviewed for compliance according to state policy.

§ 28-5.1-16 Prior executive orders – Effect.

All executive orders shall, to the extent that they are not inconsistent with this chapter, remain in full force and effect.

§ 28-5.1-17 Utilization analysis.

(a)(1) The personnel administrator, in consultation with the equal employment opportunity administrator, and the human resources outreach and diversity administrator within the department of administration, shall annually conduct a utilization analysis of positions within state government based upon the annual review conducted pursuant to §§ 28-5.1-3 and 28-5.1-4.
(2) To the extent the analysis determines that minorities as currently defined in federal employment law as Blacks, Hispanics, American Indians (including Alaskan natives), Asians (including Pacific Islanders), are being underrepresented and/or underutilized, the personnel administrator shall, through the director of administration, direct the head of the department where the under-representation and/or under-utilization exists to establish precise goals and timetables and assist in the correction of each deficiency, to the extent permitted by law and by collective bargaining agreements.

(3) The initial analysis shall be directed toward service oriented departments of the state, state police, labor and training, corrections, children, youth and families, courts, transportation, and human services.

(4) The equal employment opportunity administrator shall be consulted in the selection process for all positions certified as underrepresented and/or underutilized and shall report the results of progress toward goals to the governor and to the general assembly by January 31 and July 31 of each year. A copy of these results which shall be referred to the Rhode Island commission for human rights which may, in its discretion, investigate whether a violation of chapter 28-5 has occurred. The results shall be a public record and shall be made available electronically on the secretary of state's website.

(b)(1) In the event of a reduction in force, the personnel administrator, in consultation with the equal employment opportunity administrator and director of the department(s) where the reduction is proposed, shall develop a plan to ensure that affirmation action gains are preserved to the extent permitted by law and by collective bargaining agreements. A copy of this plan shall be referred to the Rhode Island commission for human rights which may, in its discretion, investigate whether a violation of chapter 28-5 has occurred. The plan shall be a public record and shall be made available electronically on the secretary of state's website.

(2) The equal employment opportunity administrator shall report the results of the plans and their subsequent actions to the governor and to the general assembly by January 31 and July 31 of each year, to the Rhode Island commission for human rights. The report shall be a public record and shall be made available electronically on the secretary of state's website. Consistent with § 28-5.1-6, the Rhode Island commission for human rights shall have the power to order discontinuance of any department or division employment pattern or practice deemed discriminatory in intent or result by the commission.

(3) The equal opportunity administrator shall notify the commission of reports and results under this chapter.
§ 28-5-41.1 Right to fair employment practices — Gender identity or expression. — Whenever in this chapter there appears the terms "race or color, religion, sex, disability, age, country of ancestral origin, or sexual orientation" there shall be inserted immediately thereafter the words "gender identity or expression."
STATE EXECUTIVE ORDERS

EXECUTIVE ORDER 13-05
Promotes Diversity, Equal Opportunity and Minority Business Enterprises in Rhode Island

EXECUTIVE ORDER 05-02
Establishes the Human Resources Outreach and Diversity Office and their responsibilities

EXECUTIVE ORDER 05-01
Promotes Equal Opportunity and the Prevention of Sexual Harassment in State Government

EXECUTIVE ORDER 94-22
Promotes Minority Business Enterprises in Rhode Island State Government.

EXECUTIVE ORDER 93-1

EXECUTIVE ORDER 92-2
Compliance with Americans with Disabilities Act.

EXECUTIVE ORDER 86-10
Establishes the Refuge Policy for the State.

EXECUTIVE ORDER 85-16
Designates the State 504 coordinator to create policies, practices and programs regarding accessibility of State buildings and properties to disabled persons.
State of Rhode Island and Providence Plantations
Executive Office, Room 334
Providence, Rhode Island 02903
401-222-2000
SECRETARY OF STATE

Lincoln D. Chafee
Governor

EXECUTIVE ORDER

13-05

May 9, 2013

PROMOTION OF DIVERSITY, EQUAL OPPORTUNITY, AND MINORITY BUSINESS ENTERPRISES IN RHODE ISLAND

WHEREAS, Rhode Island was founded on the principles of tolerance and diversity; and

WHEREAS, for generations, minority populations have enriched the fabric of our State, strengthened our economy, and made Rhode Island a better place to live and

WHEREAS, it is vitally important for the State to acknowledge the changing demographics of our population and actively recruit minority talent to the workforce; and

WHEREAS, it is a priority of the Chafee Administration to reflect these changing demographics through substantial minority employment in State government and increased opportunities for minority business enterprises to participate in State procurement and construction projects; and

WHEREAS, by drawing from the entire pool of human resources and talents, and by creating a culture that values diversity and inclusion, we strengthen our collective performance as a State workforce and thereby improve the State’s ability to serve the people of Rhode Island; and

WHEREAS, over the past 30 years, Rhode Island’s population has increased from seven percent (7%) to twenty-four percent (24%) people of color. In addition, in just the last decade, Rhode Island’s Latino population grew forty-four percent (44%), adding almost 40,000 residents. The Asian-American and African-American populations also grew by twenty-eight percent (28%) and twenty-three percent (23%), respectively, over the same time period; and
Executive Order 13-08
May 9, 2013
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WHEREAS, by the year 2040 the population of the State as a whole is projected to be forty-one percent (41%) people of color; and

WHEREAS, R.I. Gen. Laws §§ 37-14.1-1 et seq., enacted in 1986, declared a State policy by which minority business enterprises (MBEs), which include minority-owned, women-owned and disadvantaged business enterprises, shall be awarded a minimum of ten percent (10%) of all dollars in State procurement and construction projects and a preference in State contracts and subcontract awards; and

WHEREAS, R.I. Gen. Laws §§ 28-3.1-1 et seq., the Equal Opportunity and Affirmative Action Act, enacted in 1988, declared a policy of affirmative action to achieve equal opportunity in all units of State government, and established a State Equal Opportunity Office within the Department of Administration.

NOW, THEREFORE, I, LINCOLN D. CHAFESE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Director (Director) of the Department of Administration (Department), shall review all divisions and offices within the Department charged with facilitating equal opportunity employment and MBEs, including, but not limited to, the Division of Human Resources, the State Equal Opportunity Office, the Human Resources Outreach and Diversity Office, the Division of Purchases, and the MBE Program, and shall make recommendations to the Governor to improve collaboration between these offices and all executive departments to ensure these programs are more effective. These recommendations shall encourage measures of quality and accountability in equal opportunity and affirmative action hiring and MBE procurement as allowed by law. In addition, these recommendations shall include strategies for recruiting, hiring, promoting and retaining a more diverse workforce. The Director shall submit these recommendations to the Governor for approval on or before August 1, 2013. All executive departments shall comply with the Director’s recommendations and shall cooperate fully with taking steps to increase minority in the State’s workforce and increase the usage of MBEs with State contracts.

2. Every State agency, in partnership with the Office of Equal Opportunity, shall track and maintain hiring data as part of the agency’s performance management functions. Each agency shall provide the Office of Equal Opportunity, which shall coordinate with the Office of Management and Budget’s Office of Performance Management and the Office of Outreach and Diversity, with a plan for improving minority hiring no later than October 1, 2013.
3. The Division of Purchases MBE Compliance Office shall identify State contracts and sub-contracts that could increase the number of minority-owned businesses participating in State work where strategic efforts can be undertaken. Each agency shall provide a list of contracts and sub-contracts that should be reviewed for MBE recruiting potential as part of the plan which shall coordinate with the Office of Management and Budget’s Office of Performance Management and the Division of Purchases MBE Compliance Office on or before December 1, 2013.

4. The Director shall prepare an annual report to the Governor due on August 1, 2013 and every August 1 thereafter, for the prior fiscal year, demonstrating the State’s progress in minority employment and MBE procurement and any recommendations for continued improvements in these programs. This report shall take into account the Affirmative Action Plans that are submitted by every State agency on an annual basis, as required under R.I. Gen. Laws Chapter 25-3.1.

5. The Department and the Human Resources Outreach and Diversity Office shall develop and conduct a diversity training program within one year of the effective date of this Order. For future hires, such training may be part of the standardized orientation provided to new employees.

This Order shall take effect immediately.

So Ordered:

[Signature]

Lincoln D. Chafee
PROMOTION OF A DIVERSE STATE GOVERNMENT WORKFORCE

WHEREAS, Rhode Island State Government is committed to fostering a competitive and diverse workforce composed of highly skilled and capable employees through the recruitment, training, retention, and promotion of qualified men and women from diverse racial, ethnic, linguistic, socioeconomic, and educational backgrounds as well as individuals with disabilities; and

WHEREAS, it is in the best interests of business and government to create an open, inclusive and equitable human resources paradigm that capitalizes on workforce excellence and the strength of individual differences; and

WHEREAS, the Rhode Island General Assembly has determined there exists a compelling interest in promoting equal opportunity; and

WHEREAS, diversity requires leadership commitment and accountability, along with the assessment and development of policies and practices to assure that the State's operating system is based on principles of equity and inclusion; and

WHEREAS, the state's commitment to equal opportunity, diversity, and conduct that fosters respect in the workplace is unwavering.

NOW, THEREFORE, I, DONALD L. CARCIERI, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:
Executive Order 05-02
January 17, 2005
Page 2

1. There shall be established within the Department of Administration a Human Resources Outreach and Diversity Office. This Office shall report directly to the Director of the Department of Administration or designee on the state of diversity in Rhode Island State government and shall work towards developing a business case for equity with an emphasis on building a diverse workforce to guarantee fair and reasonable opportunities for public service.

2. The Human Resources Outreach and Diversity Office responsibilities shall include:
   
   • Developing guidelines to effectuate its mission;
   
   • Researching and developing best practices for the promotion of diversity throughout State government;
   
   • Providing guidance and technical support to state entities;
   
   • Developing a strategic and focused recruitment and tracking initiative for individuals interested in state employment including fostering relationships with community-based organizations to strengthen and support recruitment and outreach activities;
   
   • Initiating training seminars including a diversity awareness program to share the benefits of diversity and to encourage a culturally sensitive workforce environment;
   
   • Submitting an annual benchmark report to the Director of the Department of Administration or designee.

3. To assist the Office in carrying out its responsibilities there shall be established a Diversity Advisory Council, selected and appointed by the Governor, and comprised of fifteen (15) members, consisting of four (4) members of the public and one (1) member from each of the following governmental entities:

   Office of the Governor
   Human Resources Outreach and Diversity Office
   Department of Labor & Training
   Office of Personnel Administration Human Resources
   Office of Labor Relations
   Office of Equal Opportunity
   Governor's Commission on Women
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Page 3

Governor's Commission on Disabilities
Office of Higher Education
Rhode Island Commission on the Deaf and Hard of Hearing
Division of Legal Services within the Department of Administration

The Director of Administration or designee shall chair the Council. The Council shall meet quarterly.

This Executive Order supersedes and rescinds Executive Order No. 00-4, and is effective immediately upon the date hereof.

So Ordered:

[Signature]

Donald L. Carcieri

Dated: January 17, 2005
EXECUTIVE ORDER 05-01
January 17, 2005

PROMOTION OF EQUAL OPPORTUNITY AND
THE PREVENTION OF SEXUAL HARASSMENT IN STATE GOVERNMENT

WHEREAS, there is a compelling interest in the promotion and achievement of equal opportunity; and concerted commitment is necessary to prevent discrimination and sexual harassment in all departments and agencies of Rhode Island state government; and

WHEREAS, Rhode Island has an unwavering commitment to providing equal employment opportunity in state government to all qualified individuals without sexual harassment or discrimination on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability; and

WHEREAS, the prevention and elimination of discrimination and sexual harassment requires continued action to ensure that all employment opportunities existing in or through state government are available to all qualified individuals; and

WHEREAS, to provide equal opportunity for all employees and applicants in all aspects of employment including, but not limited to recruitment, hiring, retention, training, compensation, benefits, leave, assignment, transfer, promotion, discipline, demotion, terminations, and layoffs, and to ensure reasonable steps are taken to actively promote employment opportunities to all qualified individuals that historically have been underutilized in the state government workforce there is a need to reaffirm policies, practices consistent with State and Federal law.

NOW, THEREFORE, I, DONALD L. CARCERI, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. All Directors, their senior staff and all supervisory employees of agencies, departments, state boards, commissions, public authorities and quasi-public corporations of state government ("Agencies") are responsible for ensuring that all aspects of state programs for which they manage are available without discrimination or sexual harassment.
2. Pursuant to all applicable Federal and State law, all Agencies are to develop, promote, monitor, implement, and maintain equal employment opportunity policies and practices that:

- a) do not discriminate against any employees or applicants for state employment in all aspects of employment including contract procurement and service delivery;
- b) establish guidelines to prevent discrimination and sexual harassment of any employees or applicants for state employment;
- c) identify and actively promote employment opportunities for qualified individuals that historically have been underutilized in the state government workforce;
- d) describe the notice and filing provisions that enable any employee or applicant for state employment who believes he/she has been discriminated against or sexually harassed to immediately report such conduct to appropriate official(s).

3. All Agency Directors shall designate an individual as the Agency’s Equal Employment Opportunity Officer and American with Disabilities Act Coordinator (the Officer). Such Officers, with the assistance of the State Equal Opportunity Office (EOO) as set forth in Title 28, Chapter 5.1 et seq. of the Rhode Island General Laws, shall be responsible for the formulation, drafting and reporting of plans and policies relating to nondiscrimination as well as the prevention of sexual harassment as required by Title 28, Chapter 51-2.

All Agency Officers shall annually attend one (1) Equal Employment Opportunity training session and one (1) training session on the prevention of sexual harassment. Each Agency Officer shall work cooperatively with the Diversity Advisory Council as established by Executive Order 05-02 and the State EOO to conduct a semi-annual review and evaluation of hiring/promotion activity within their unit.

All Agency Directors shall work cooperatively with the Agency Officer to monitor and maintain compliance according to the guidelines outlined in the Agency’s EOO plan.

4. All Agencies shall comply with Federal laws pertaining to the promotion of equal opportunity for all qualified individuals and the prevention of sexual harassment including but not limited to the following provisions:
- Title VII of the Civil Rights Act of 1964, as amended, that prohibits employment discrimination on the basis of race, color, religion, sex or national origin;
- The Age Discrimination in Employment Act of 1967, as amended, that prohibits employment discrimination against individuals 40 years of age or older;
- The Equal Pay Act of 1963 that prohibits discrimination on the basis of gender in compensation for substantially similar work under similar conditions;
- Title I of the Americans with Disabilities Act of 1990, as amended, that prohibits employment discrimination on the basis of disability in both the public and private sector, excluding the federal government;
- The Civil Rights Act of 1991, as amended, that provides for monetary damages in case of intentional discrimination;
- Section 501 of the Rehabilitation Act of 1973, as amended, that prohibits employment discrimination against federal employees with disabilities;
- Title IX of the Education Act of 1972, as amended, that forbids gender discrimination in education programs, including athletics that receive federal dollars;
The Pregnancy Discrimination Act of 1978, as amended, that makes it illegal for employers to exclude pregnancy and childbirth from their sick leave and health benefits plans; and


5. All Agencies of Rhode Island State Government shall also comply with State laws pertaining to the promotion of equal opportunity for all qualified individuals and the prevention of sexual harassment including but not limited to Article 1, Section 2 of the Rhode Island Constitution, all applicable provisions of Rhode Island General Laws Chapter 5 through 6, and Chapter 51 of Title 28. These statutes require Fair Employment Practices regardless of race, color, religion, sex, sexual orientation, gender identity, expression, disability, age, or country of origin; positive action be taken to affirm the civil rights of protected classes of individuals; promote nondiscrimination, and prohibit sexual harassment.

6. Pursuant to Rhode Island General Laws Title 28, Chapter 5.1, the State EOO shall be responsible for assuring compliance with State and Federal laws prohibiting discrimination and all applicable provisions of this Executive Order.

7. Pursuant to Rhode Island General Laws Title 28 Chapter 51, the Office of Labor Relations within the Department of Administration shall be responsible for assuring compliance with State and Federal laws prohibiting sexual harassment and all applicable provisions of this Executive Order.

8. Pursuant to Rhode Island General Laws Title 28, Chapter 5 Sections 8 through 40, the Rhode Island Commission for Human Rights shall be responsible for assuring compliance with State and Federal laws and all applicable provisions of this Executive Order.

9. Pursuant to Rhode Island General Laws Title 42, Chapter 51, the Governor’s Commission on Disabilities shall be responsible for assuring compliance with State and Federal laws and all applicable provisions of this Executive Order.

10. Pursuant to Rhode Island General Laws Title 23 Chapter 23-1.8, the Commission on Deaf and Hard-of-Hearing shall be responsible for assuring compliance with all applicable provisions of this Executive Order.

11. Pursuant to Rhode Island General Laws Title 28-5.1-5 and Title 36 Chapter 4-26.1, the Office of Personnel Administration within the Department of Administration and the State EOO shall be responsible for assuring compliance with State and Federal laws and all applicable provisions of this Executive Order.

12. Pursuant to Rhode Island General Laws Title 28-5.1-3.1 each Agency of State Government is responsible for assuring compliance with all applicable provisions of this Executive Order.

Individuals believing that they have been discriminated against or sexually harassed in employment by or through state government should immediately contact:

Rhode Island State Equal Opportunity Office
Department of Administration, Personnel Office
One Capitol Hill Providence, RI 02908
Tel (401) 222-3090; Fax (401) 222-6391; TTD (401) 222-6144

Rhode Island Commission for Human Rights
Governor's Commission on Disabilities
41 Cherry Dale Court Cranston, RI 02920
Tel (401) 462-0100; Fax (401) 462-0106; TTY (401) 462-0101

This Executive Order supersedes and rescinds Executive Order No. 96-14 and No. 95-11, and is effective immediately upon the date hereof.
So Ordered:

[Signature]

Donald L. Carcieri
Dated: January 17, 2005
EXECUTIVE ORDER
No. 94-22
December 23, 1994
MINORITY BUSINESS ENTERPRISE

WHEREAS, it is the policy of the State of Rhode Island and of this administration that Minority Business Enterprises and Women Business Enterprises, (herein defined as "MBEs") shall have the fullest possible opportunity to participate in State funded and State directed public construction programs and projects and in State purchases of goods and services; and

WHEREAS, the General Assembly in 1986 enacted Title 37, Chapter 14.1, (herein defined as the MBE statute) and therein authorized the Director of the Department of Administration to establish rules and regulations for giving MBEs a preference in contract and subcontract awards; and

WHEREAS, on June 23, 1994, I signed Executive Order 94-9, reorganizing and enhancing the powers and duties of the MBE Program, and there is now a need to restructure and clarify the responsibilities of the MBE program; and

WHEREAS, as Governor, I intend to affirm and carry out the State's policy of encouraging full compliance with the MBE statute throughout State government;

NOW, THEREFORE, I, BRUCE SUNDLUN, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

Article I - Applicability

This Executive Order shall apply to any and all State purchasing, including but not limited to construction projects or contracts, professional services, and purchase of goods and services funded in whole or in part by State funds, or funds which the State expends or administers as the recipient of a federal grant, or in which the State is a signatory to the contract.
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Article II - Minority Business Enterprise Program

(A) The Director of the Department of Administration shall assume overall responsibility for the MBE Compliance Program. The Director of Administration shall create the position of Administrator - MBE Compliance and shall delegate day to day operational responsibility to that official. The Administrator - MBE Compliance shall serve as the primary operational officer of the MBE Program and shall be supported by staff as determined by the Director, Department of Administration. The Administrator - MBE Compliance shall assume responsibility as the Executive Director of the MBE Commission and provide staff support for the Commission. The Administrator - MBE Compliance shall, with the support of the MBE Program staff, advise and assist the Governor, the Director of Administration, the Purchasing Agent, and other entities and individuals directly affected by the contract and procurement practices of State government. The Administrator - MBE Compliance shall assist in the development of effective and innovative strategies for promoting MBE participation in the State’s procurement, construction, professional, consulting, and legal service contracts in order to comply with R.I. General Laws Section 37-14.1-7.

(B) The MBE Program shall:

1. Assist the Director of Administration to issue rules, regulations and reporting requirements necessary to implement the objective of this Executive Order.

2. Monitor the progress of each department, agency, and quasi-state authority or corporation in the attainment of MBE policy objectives, participation goals, and requirements.

3. Conduct such activities as visits to job sites, public hearings and examination of records and practices of various departments as may be necessary to ensure compliance with the requirements of this Executive Order.

4. Arrange for technical assistance, support and resource identification to assist the various department, agency and quasi-state authority or corporation purchasing entities in attaining the objectives of this Executive Order.

5. Identify and seek assistance from various community based organizations, local, state and federal agencies active in the field of MBE development as well as offices in other state and federal jurisdictions.
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December 23, 1994
Page 3

6. Act as a coordinating body to bring MBEs into active participation in the purchasing procedures of the various departments of the State.

7. Develop a statewide reporting system for all MBE activities under R.I. General Laws Section 37-14.1.

8. Conduct research and analysis to strengthen the State's MBE Program.

9. Develop for the Director of the Department of Administration recommended rules and regulations to insure compliance and sanctions for non-compliance by departments, agencies and quasi-state authorities or corporations.

10. Submit an Annual Report to the Governor, by November 30th of each year (for the prior fiscal year) recommending procedures, activities, etc. to improve the program.

(C) The MBE Program shall certify MBEs:

The responsibility for MBE certification has been assumed by the Department of Administration:

1. Pursuant to R.I. General Laws Section 37-14.1 (relating to MBE) and Section 42-33-1 (relating to Administrative Procedures), the Department of Administration shall adopt, transfer and/or modify rules and regulations for the certification of MBEs.

2. Develop a database of certified MBEs to be maintained as a public record.

3. Notify the purchasing agent of the State and quasi-state authorities or corporations of any determination of non-compliance with the requirements of this Executive Order or a removal of the certification of an MBE.
Article III - MBE Commission

(A) There is hereby established a Minority Business Enterprise Commission (herein defined as the "MBE Commission") to advise and assist the MBE Program, the Director, Department of Administration and the Administrator - MBE Compliance in meeting and carrying out the MBE compliance rules and regulations promulgated by the Department of Administration.

(B) The following officials and individual persons are hereby appointed as members of the MBE Commission, to serve at the pleasure of the Governor:

A cabinet level official to be appointed by the Governor

Director of the Department of Administration (or designee), Chair

Representative Joseph Newsome

Executive Director, Commission for Human Rights

CASBY HARRISON, III
Licht & Semenoff

President (or designee)
Black Contractors Association of Rhode Island

Executive Director (or designee)
Rhode Island Commission on Women

President (or designee)
Hispanic Contractors Association

(C) The following officials shall serve as non voting advisors to the MBE Commission:

Director of Policy
Governor's Office
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Associate Director and Purchasing Agent
Department of Administration - Division of Purchasing

Associate Director - Department of Administration
Division of Human Resources

State Controller
Department of Administration - Office of Accounts and Control

Chief Civil Rights Officer
Department of Transportation

(D) The following official shall serve as the Executive Director of the MBE Commission:

Administrator - MBE Compliance
Department of Administration - Division of Human Resources

The MBE Commission shall meet no less than six times per year and upon the call of the Chairperson or four (4) Commission members to consider whatever business the Chairperson or Commission members may deem appropriate. Four (4) members shall constitute a quorum of the Commission.

Article IV - Responsibility of Departments, Agencies, and Quasi-State Authorities or Corporations Empowered to Expend State Funds

(A) Each governmental department, agency and quasi-state authority or corporation empowered to expend or administer State funds shall develop and submit as part of its annual budget, an MBE plan to meet the goal of awarding 10% of the dollar value of all procurements and construction projects to certified MBEs.

(B) The Director of each department, agency or quasi-state authority or corporation empowered to expend State funds, shall designate a highly placed official ("MBE Coordinator") to have overall responsibility for promoting greater participation of MBE in his or her department or agency or quasi-state authority or corporation.
(C) If the rules and regulations promulgated by the Department of Administration are not being met, the Department, agency or quasi-state authority or corporation shall submit a report to the Department of Administration's Administrator - MBE Compliance stating the reasons for its inability to comply with such rules and regulations, and identify the remedial steps it shall take. Such remedial steps may include:

1. Targeting some bid invitations to MBEs.

2. Promoting joint ventures between MBEs and non-MBEs.

3. Requiring prime contractors, where subcontracting opportunities exist, to subcontract a minimum amount of work on projects to MBEs.

4. Designating MBEs as suggested vendors when submitting requests to the purchasing agent.

5. Dividing large contracts into smaller units to afford opportunities for MBEs, where legally permissible.

6. Developing a plan to require prime contractors, whenever possible, to purchase supplies, services and equipment from MBEs.

Article V - Responsibility of State Purchasing Agent and Quasi-State Authority or Corporation Purchasing Agents

The State Purchasing Agent and quasi-state authority or corporation purchasing agents will provide maximum support to comply with the requirements of the MBE statute as stated herein. Such efforts will include:

1. Notifying all possible bidders, especially potential MBE suppliers of purchasing for departments, agencies and quasi-state authorities or corporations. Such notification might include direct mail, advertising in media reaching the minority community, and such other outreach efforts as may be necessary.

2. Seeking out MBEs from the list of certified MBEs to be included in prospective bidder lists, and targeting some bid invitations to MBEs.
Executive Order No. 94-22
December 23, 1994
Page 7

3. Providing information to minority suppliers and conducting outreach and information sessions for existing and potential MBEs.

4. Monitoring the utilization of MBEs in the area of Utility Order Purchases.

5. Provide such information as may be requested by the MBE Commission.

6. Performing any such other activities that generally support objectives of this Executive Order and R.I. General Laws Section 37-14.1 et. seq.

This Executive Order effectively rescinds, supersedes and replaces Executive Order No. 94-9.

This Executive Order shall take effect immediately upon the date hereof.

[Signature]
GOVERNOR

[Date] 12/27/94
EXECUTIVE ORDER
No. 93-1
JANUARY 18, 1993

AFFIRMATIVE ACTION POLICY STATEMENT

State House, I, BRUCE SUNDLUN, by the authority vested in me as Governor of
the State of Rhode Island and Providence Plantations, do hereby
order as follows:

1. Equal Opportunity and Affirmative Action towards its
achievement is the firm and unwavering policy of all units of Rhode
Island State Government.

2. Rhode Island State Government is committed to providing
equal opportunity in every aspect of its programs and will not
discriminate because of race, sex, national origin, age, religion,
sexual orientation, or disability. Because my administration
recognizes the need to eliminate the vestiges of past societal
discrimination, it will take affirmative action to ensure that its
employment opportunities are available to every qualified Rhode
Islander.

3. Within agencies, departments of state government, and those
agencies created by legislative statute, the following areas will be
administered without regard to race, color, sex, age, religion,
sexual orientation, or disability:

   - HIRINGS
   - SALARY/WAGE
   - LAY-OFFS
   - TRANSFERS
   - PROMOTIONS
   - DEMOTIONS
   - WORK ASSIGNMENTS
   - LEAVE
   - TRAINING
   - RECALL FROM LAY-OFFS
   - APPOINTMENTS
   - DISCIPLINE

4. In addition, my administration will not tolerate
discrimination by any recipient of state government funds. This
includes lending institutions, developers, contractors,
sub-contractors and entities doing business with the State.
Deliberate or persistent violation of the affirmative action
policies set forth herein may result in the withdrawal of State
support or involvement in a project and/or debarment from further
State involvement. Any person or corporation doing business with
the State shall cooperate with the monitoring of this policy.
The Director of Administration shall promulgate such rules and
regulations as are necessary to effectuate compliance with this
paragraph.
5. In addition to Rhode Island State Government, each and every employee of state government is responsible for assuring that all aspects of State programs for which he/she is responsible are available without discrimination. Department Directors and their senior staff are responsible for the implementation of this policy and they will be evaluated as to their role in this implementation.

6. All Department Directors and appointing authorities shall appoint a highly placed person, who shall report to the Department Director and who shall be designated as the Departmental Affirmative Action Officer. The Departmental Affirmative Action Officer shall attend at least one EEO training session annually and the Officer shall assist in the development and enforcement of affirmative action plans. Each Departmental Affirmative Action Officer shall work cooperatively with the Personnel Administrator to conduct a quarterly review of hiring/promotion activity within their unit to evaluate and report to his/her Department Director on affirmative action progress or lack thereof. Each Departmental Affirmative Action Officer shall submit information on the status of their plans twice annually to their respective Department Directors.

7. The Governor's Executive Committee for Affirmative Action is hereby established and its membership shall hereafter consist of the following: the EEO Administrator, the Executive Director of the Human Rights Commission, the Executive Secretary of the Governor's Commission on the Handicapped, the Director of the Commission on Women, the Executive Director of the Minority Business Enterprise Commission, the Chief of the Merit Selection and Classification Unit, the Administrator of Purchasing Systems, and the Personnel Administrator who shall Chair this Committee.

8. The Committee shall advise the Governor in the formulation and coordination of plans, policies and programs relating to equal opportunity and affirmative action in all State departments and agencies and in assuring effective implementation of such policies, plans and programs by such agencies.

9. Upon the request of the Executive Committee, the Department Director of each State agency and the Departmental Affirmative Action Officer shall meet with the Committee and report in person to such Committee on the agency's affirmative action program. It shall be the Executive Committee Chair's responsibility to schedule such meetings, and it shall be the duty of every agency head to comply
with such requests for data or other information or reports as the Executive Committee may deem appropriate for analysis and review in advance of such meeting.

10. In addition to the duties of the State EEO Office set forth in Title 28, Chapter 5.1 of the Rhode Island General Laws, the State EEO Office shall:

A) review the Affirmative Action plans submitted annually by each state department or agency and prepare a comparative analysis of the strengths and weaknesses of the plans;

B) make recommendations to the departments on proactive policy initiatives that may enhance affirmative action plan objectives;

C) prepare an Executive Summary of the departmental plans for submission to the Governor annually on November 15th; and

D) work cooperatively and in conjunction with the Departmental Affirmative Action Officers, Departmental MBE Coordinators, and State Officials serving on the Governor's Executive Committee for Affirmative Action.

11. The State Equal Opportunity Office shall be responsible for assuring compliance with Rhode Island General Laws Title 28, Chapter 5.1 and the provisions of this Executive Order.

12. The Rhode Island Commission for Human Rights shall be responsible for assuring compliance with Rhode Island General Laws Title 28, Chapter 5, Sections 8 through 40 and the provisions of this Executive Order.

13. The Rhode Island Governor's Commission on the Handicapped shall be responsible for assuring compliance with Rhode Island General Laws Title 42, Chapter 51 and the provisions of this Executive Order.
14. All units of Rhode Island State Government shall comply with all state and federal laws pertaining to equal opportunity and affirmative action including:

Rhode Island Fair Employment Practices Act,
Rhode Island Handicapped Products Procurement Act,
Rhode Island AIDS Discrimination Act,
Federal Executive Order 11246, as amended,
Title VI and Title VII of the Civil Rights Act of 1964, as amended,
Age Discrimination in Employment act of 1967,
Equal Pay Act of 1963,
Rehabilitation Act of 1973, Section 504,
Americans with Disabilities Act (ADA) of 1990,
Vietnam Era Veterans Act of 1974,
Age Discrimination Act of 1975,
Education Amendments Act of 1972 (Title IX),
Civil Rights Act of 1991,
Rhode Island Executive Order 92-2 (Americans with Disabilities Act),
Rhode Island Executive Order 91-39 (Sexual Harassment),
Rhode Island Executive Order 92-4 (Minority Business Enterprise Commission), and

15. Persons with disabilities requesting reasonable accommodation should contact their own department/agency’s personnel office or ADA Coordinator.

16. Persons having questions or needing assistance for minority or women business enterprises should contact the Executive Director of the Minority Business Enterprise Commission at 277-5246 (v) 277-3090 (tdd).
17. Citizens of Rhode Island believing that they have been discriminated against in the pursuit of achieving the quality of life as aforementioned should contact:

Governor's Commission on the Handicapped
555 Valley Street, Building #31
Providence, RI 02908-5686
TEL. #277-3731
TDD #277-3701
FAX #277-2833

RI Commission for Human Rights
10 Abbott Park Place
Providence, RI 02903-3768
TEL. #277-2661
TDD #277-2664
FAX #277-2616

RI State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5865
TEL. #277-3090
TDD #277-6144
FAX #277-6378

This Executive Order shall supersede and rescind Executive Order No. 85-11, and become effective immediately on the date hereof.

DATE 1-18-93

GOVERNOR
EXECUTIVE ORDER
NO. 92-2
JANUARY 23, 1992

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the Americans with Disabilities Act ("ADA") was enacted by the United States Congress on July 26, 1990 to expand the civil rights of individuals with disabilities in the areas of employment, transportation, public accommodations and communications; and

WHEREAS, the primary objective of the ADA is to require employers and public service providers to eliminate any and all barriers, practices or policies that may discriminate against or otherwise deprive individuals with disabilities of the full use and enjoyment of public accommodations, public transportation, telecommunication systems and employment opportunities; and

WHEREAS, it was anticipated that the process of removing any and all such barriers would best be effectuated by developing a comprehensive statewide plan; and

WHEREAS, in June of 1991, I directed the Governor’s Commission on the Handicapped to create a Coordinating Committee on the ADA that would bring representatives from all segments of State government together to participate in joint self evaluation and ADA compliance planning; and

WHEREAS, the Coordinating Committee, chaired by Nancy Husted-Jensen has developed and presented me with a statewide plan for meeting the mandates of the ADA entitled “AMERICANS WITH DISABILITIES ACT; SELF EVALUATION AND COMPLIANCE PLAN FOR THE STATE OF RHODE ISLAND;” (hereinafter "ADA Compliance Plan")

NOW, THEREFORE, I, BRUCE SUNDBLIJN, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Rhode Island State ADA Compliance Plan shall be implemented forthwith so that individuals with disabilities may be fully integrated into all aspects of Rhode Island life in the most expeditious manner possible.
2. There shall be a State ADA Coordinator to assume overall, day-to-day responsibility for implementing the ADA Compliance Plan.

3. The Chairperson of the Governor's Commission on the Handicapped is hereby designated to serve at the Governor's pleasure as the State ADA Coordinator. The Executive Secretary of the Governor's Commission on the Handicapped is hereby designated to serve as Deputy Coordinator.

4. The duties of the ADA Coordinator shall include:

A. monitoring the State's compliance with all federal and state laws and regulations affecting individuals with handicaps, including but not limited to Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act;

B. establishing a technical assistance program to inform and advise State and local government agencies, human service providers, providers of public accommodations, real estate agents, brokers, developers, architects, landlords, builders, and other affected entities and individuals on their obligations under the ADA;

C. establishing a grievance procedure to promptly and equitably resolve complaints of noncompliance with the ADA involving departments, agencies or divisions of State government;

D. establishing a procedure for initiating complaints against any department, agency or division within State government that willfully fails to comply with the requirements of the ADA or the ADA Compliance Plan;

E. developing, making periodic revisions to, and overseeing implementation of an ADA Transition Plan for the removal of environmental and communication barriers in State owned facilities;

F. presiding at future meetings of the State Coordinating Committee on the ADA.
5. The State Coordinating Committee on the ADA shall continue to exist and shall continue to be staffed by the Governor's Commission on the Handicapped. The Committee shall advise and assist the ADA Coordinator in the implementation of the ADA Compliance Plan. It shall also prepare a status report to the Governor on or before October 1, 1992, and annually thereafter.

6. The Governor's Commission on the Handicapped, the State Building Commission and the Commission for Human Rights shall, whenever possible and appropriate, cooperate with and assist the ADA Coordinator to:

A. Assure compliance with the building accessibility and public accommodations sections of the ADA; and

B. carry out the duties of the ADA Coordinator enumerated above.

This Executive Order shall take effect on the date hereof.

[Signature]
Governor

1/23-92
WHEREAS, the State of Rhode Island has been a home and a haven for immigrants and refugees since the beginning of its recorded history; and

WHEREAS, for more than three centuries people driven from their homelands by various forms of persecution have come to Rhode Island and found the opportunity and the means to establish a new life here; and

WHEREAS, the United States Refugee Act of 1980, Pub. L. No. 96-212, authorizes the grant of asylum to refugees who are defined as any person outside his or her country of nationality "who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion"; and

WHEREAS, Rhode Island accepts and welcomes the opportunity to take part in our national refugee resettlement program and to carry out our state's exemplary historical role in assisting people fleeing dangers and undue hardships; and

WHEREAS, the refugee experience is a major upheaval in the lives of these individuals, and in order for them to adjust successfully to a new country and culture, a period of transition is necessary to learn a new language and culture; and

WHEREAS, Rhode Island recognizes that refugees have great potential to contribute to the state and its communities, and that it is in the interest of all that their potential be nurtured and encouraged; and
Executive Order 85-10
Page Two
April 15, 1985

WHEREAS, the Rhode Island Office of Refugee Resettlement was created for the purpose of implementing the requirements of the Refugee Act of 1980 (P.L.95-212) to assist refugees in the state to become self-sufficient as rapidly as possible; and

WHEREAS, the Governor’s Advisory Council on Refugee Resettlement, created by Executive Order 85-24, was established for the purpose of forging a linkage between the refugee community and the larger Rhode Island society; and

NOW, THEREFORE, I, Edward D. DiPrete, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, hereby order and direct the following:

1. The Rhode Island Office of Refugee Resettlement shall be authorized to coordinate consultations among the following entities and agencies: voluntary agencies ("VOLAGs") and their national offices; local officials; state departments; namely, the Department of Employment Security, the Department of Health, the Department of Human Services, the Department of Mental Health, Retardation and Hospitals, the Department for Children and Their Families, the Department of Economic Development, the Department of Transportation, the Department of Education, the Office of the Attorney General and other appropriate public and private agencies.

2. The above consultations shall be to determine the availability of needed services such as housing availability and community responsiveness; to evaluate economic conditions; and to determine the proximity of organizations and institutions which provide support.

3. All transitional services shall be provided with a view to maximize their accessibility and cultural appropriateness. The characteristics and concerns of the refugee communities should be taken into account in the shaping of specific service delivery procedures and mechanisms and the determination of their cultural and linguistic sensitivity.
4. Those state agencies as previously stated that conduct programs and activities directly or indirectly relating to the service needs of the refugee population shall immediately undertake an affirmative planning process with regard to refugees. This planning process shall be completed by October 1, 1986, and shall include the following elements:

A. Needs Assessment: Determining the current and potential requirements refugees have for the agencies' services;

B. Current Use: Measuring and documenting the extent to which refugees now use the services;

C. Agency Service Plan for Refugees: Formulating a plan, including a timetable for implementation, that ensures that delivery of the agencies' services to refugees meets the needs identified in the needs assessment and are in compliance with Title VI of the United States Civil Rights Act of 1964.

5. Rhode Island Office of Refugee Resettlement and Rhode Island Equal Opportunity Office Assistance

The Rhode Island Office of Refugee Resettlement and the Rhode Island Office of Equal Opportunity shall provide technical assistance to the agencies throughout the planning process and shall monitor the agencies' progress in the implementation of their plans. Technical assistance when necessary will be requested from the Federal Offices for Civil Rights Compliance.

6. State Agencies Preparing Agency Service Plans

The following state agencies shall engage in the planning process: the Department of Human Services, The Department of Health, the Department of Employment Security, The Department of Mental Health, Retardation and Hospitals, the Department for Children and Their Families, the Department of Education,
the Department of Economic Development, and the Department of Transportation.

7. Transitional Education Program

RIORR shall meet regularly with the Department of Education to coordinate the provision of the transitional program for refugee children, bilingual education programs, adult education services, and other educational programs of special concern to the refugee communities.

8. Consultation with Attorney General

RIORR shall work with the Office of the Attorney General, specifically the Civil Rights Division and the Division of Consumer Protection, in its effort to ensure that necessary state protection and services are available to the refugee population.

This Executive Order shall take effect on the date hereof.

Edward D. DiPrete
Governor
WHEREAS, Title V of the Rehabilitation Act of 1973 sets forth the civil rights of handicapped persons; and

WHEREAS, handicapped persons have a right to expect and gain access to various buildings and properties which exist for the betterment of all persons; and

WHEREAS, under Section 504 of Title V of the Rehabilitation Act of 1973 the State has been mandated to create policies, practices and programs regarding accessibility of State buildings and properties to handicapped persons; and

WHEREAS, such a designation would allow for the expedient compliance with the mandate of Section 504 thereby serving the needs of handicapped persons in the best possible manner;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, it is ordered as follows:

1. The Director of Administration is hereby designated the State's 504 Coordinator and shall delegate operational control to the State Building Code Commissioner as his designee.

2. The duties of the Coordinator shall be to coordinate all State agencies in the implementation of all federal rules and regulations affecting the State in terms of compliance with the mandates of Section 504 of Title V of the Rehabilitation Act of 1973.

3. The Coordinator's duties shall include:

   a. Authority to order departments to prepare and complete transition plans in accordance with 504 regulations.
b. Coordinating the formulation and review of transition plans with advisory panels who may represent handicapped organizations.

c. Granting final approval of transition plans and department use of program accessibility.

d. Managing the construction, design or alterations of buildings and sites necessary to bring all programs into compliance.

e. Authorization to coordinate and mediate matters concerning 504 compliance.

f. Assisting public and private sectors through the use of proper agencies on technical, employment and architectural matters concerning 504 compliance.

g. Establishment of a consumer complaint procedure necessary to resolve all complaints to agencies pertaining to 504.

h. The State 504 Coordinator or the State Building Code Commissioner as his designee is hereby authorized to initiate complaints against those agencies, administrators, agents or employees of any department or division within state government who willfully fail to comply with the requirements.

i. The 504 Coordinator and the State Building Code Commissioner as his designee shall consult with the Chairman of the Governor's Commission on the Handicapped with respect to implementation of the above duties and responsibilities.

This Executive Order shall take effect on the date hereof. This Executive Order rescinds Executive Order No. 80-16 dated September 29, 1980.

Respectfully yours,

Edward D. DiPrete
GOVERNOR
§ 28-51-1. Definitions. — (a) As used in this chapter the term “sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when submission to such conduct or such advances or requests is made either explicitly or implicitly a term or condition of an individual’s employment.

(b) As used in this chapter, the term “employer” means any entity employing fifty (50) or more employees.

§ 28-51-2. Adoption of workplace policy and statement. — (a) All employers and employment agencies shall promote a workplace free of sexual harassment.

(b) Every employer shall:

(1) adopt a policy against sexual harassment which shall include:

(i) a statement that sexual harassment in the workplace is unlawful;

(ii) a statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment;

(iii) a description and examples of sexual harassment;

(iv) a statement of the range of consequences for employees who are found to have committed sexual harassment;

(v) a description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person or persons to whom complaints should be made; and

(vi) the identity of the appropriate state and federal employment, as amended, discrimination enforcement agencies, and directions as to how to contact such agencies as amended.

(2) provide to all employees a written copy of the employer’s policy against sexual harassment; provided, however, that a new employee shall be provided such a copy at the time of his or her employment.

(c) Employers are encouraged to conduct an education and training program for new employees and members, within one (1) year of commencement of employment or membership, which includes at a minimum the information set forth in this section. Employers are encouraged to conduct additional training for new supervisory and managerial employees within one (1) year of commencement of employment which shall include at a minimum the information set forth in subsection (b), the specific responsibilities of supervisory and managerial employees and the
methods that such employees should take to ensure immediate and appropriate state agencies are encouraged to cooperate in making such training available.  
(d) Employers shall provide amended copies of their written policies on sexual harassment to all employees upon their request on or before September 1, 1997.

§ 28-51-3. Education and training programs. — Employers are encouraged to conduct an education and training program on sexual harassment consistent with the aims and purposes of this chapter for all employees, including, but not limited to the supervisory or managerial personnel, on or before September 1, 1997.

(2003)
State of Rhode Island
Guidelines For Preventing Sexual Harassment

Harassment on the basis of sex is a violation of RIGL 28-5.1 and Executive Order No. 05-01. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment 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 unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

In determining whether alleged conduct constitutes sexual harassment, the State Equal Opportunity Office will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and at the legality of a particular action. A determination of what constitutes sexual harassment will be made from the facts, on a case-by-case basis.

The appointing authority is responsible for the acts of its agents and supervisory employees with respect to sexual harassment, regardless of whether or not the specific acts complained of were authorized or even forbidden by the appointing authority and regardless of whether or not the appointing authority knew or should have known of their occurrence. The State Equal Opportunity Office will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether or not the individual is serving in either a supervisory or agency capacity.

With respect to persons other than those mentioned in the previous paragraph, an appointing authority is responsible for acts of sexual harassment in the workplace where that appointing authority or its agents or supervisory employees knew or should have known of the conduct. An appointing authority may rebut apparent liability for such acts by showing that it took immediate and appropriate corrective action.

Prevention is the best tool for the elimination of sexual harassment. An appointing authority should take all steps necessary to prevent sexual harassment from occurring such as affirmatively raising the subject of sexual harassment, expressing strong disapproval, developing appropriate sanctions, informing the employees of their right to raise and how to raise the issue of harassment and developing methods to sensitize all concerned.

If any State Employee believes that they have been sexually harassed, they may contact:

STATE EQUAL OPPORTUNITY OFFICE
ONE CAPITOL HILL PROVIDENCE, RI 02908-5865
PHONE (401) 222-3090 FAX (401) 222-2490 RI Relay: 711
Revised (2005)
DEPARTMENT OF ADMINISTRATION
OFFICE OF DIVERSITY, EQUITY AND OPPORTUNITY
STATE EQUAL OPPORTUNITY OFFICE

GUIDELINES FOR ENSURING UNBIASED WORK ENVIRONMENTS

Rhode Island General Law 28-5.1, Executive Order No. 05-01 of the State of Rhode Island and Title VII of the 1964 Civil Rights Act, mandates employers to maintain a working environment free of discriminatory insults, intimidation and other forms of harassment. Both an employee’s psychological and economic well being are protected. While an employer cannot be held accountable for the prejudices of its workers clientele, it must take reasonable measures to control or eliminate the overt expression of those prejudices in the workplace. Prompt action by an employer to prevent or correct discriminatory harassment can go a long way in lessening employer liability.

Perhaps the most common type of harassment to which workers are subjected is verbal abuse. Racial and ethnic epithets, slurs or jokes directed at or made in the presence of minority group employees, are not to be tolerated. An example of unlawful race and sex bias in the work environment is the use of the diminutive term “boys” when referring to minority male employees and “girls” when referring to female employees.

Another common type of verbal abuse is either spreading rumors or joking about an employee’s assumed sexual preference or orientation. One’s personal preference does not determine how one performs at his or her job and therefore, this type of bias does not belong in the workplace.

An employer is under a two-pronged duty to maintain a working atmosphere free of national origin bias. First, the employer itself must refrain from ridicule or harassment on the basis of national origin. Second, an employer should not tolerate such behavior by its employees. Ethnic slurs or jokes based on national origin are unlawful.

An employer is also under obligation to maintain a work environment free of religious bias. Permitting a supervisor to espouse his or her beliefs to employees while at work may amount to religious discrimination.

Any unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature is unlawful sexual harassment when the response or reaction to the advances or requests is permitted to affect the employment decisions. It is also illegal for an employer to permit any conduct that is sexually offensive, intimidating, hostile or interferes with an individual’s work performance. Sexual advances by co-workers who have no control over a person’s employment may be unlawful if it has such an intimidating effect that job status is affected.

(2005)
Exhibit B

Minority Referral Agencies and Community Based Organizations
African Alliance of Rhode Island
Center for Hispanic Policy and Advocacy
Community Baptist Church
Congdon Street Baptist Church
Da Vinci Center
Dorcus International Institute of Rhode Island
East Bay Community Action Program
Hmong United Association of Rhode Island
John Hope Settlement House
NAACP-Newport Chapter
NAACP-Providence Branch
Narragansett Indian Tribe
Progresso Latino
Providence Youth Student Movement (PRYSM)
R.I. Affirmative Action Professionals
R.I. Indian Council
Socio-Economic Development Center
Urban League of Rhode Island
Exhibit C

Reasonable Accommodations
Employee Self-Identification of Disability Form and Request for Reasonable Accommodation

CONFIDENTIAL

In accordance with the Americans with Disabilities Act of 1990, Rhode Island General Laws §28-5.1 et. seq., and Executive Order #92-2, the State Equal Opportunity Office invites a qualified individual with a disability to self-identify to be provided reasonable accommodations if necessary to perform the essential function for the desired position.

NAME: ____________________________________________ AGENCY: __________________________

JOB TITLE: ________________________________________ DATE: ____________________________

Please Check ☐ the category that best describes your disability. (Upon request, verification of disabling condition must be obtained from your physician.)

Disabling conditions include, but are not limited to:

☐ AIDS
☐ Alcoholism
☐ Blindness or Visual Impairment
☐ Cancer
☐ Cerebral Palsy
☐ Deafness or Hearing Impairment
☐ Diabetes
☐ Drug Addiction
☐ Epilepsy
☐ Heart Disease
☐ Mental Retardation
☐ Mental or Emotional Illness
☐ Multiple Sclerosis
☐ Muscular Dystrophy
☐ Orthopedic
☐ Perceptual Disabilities such as: Dyslexia, Minimal Brain Dysfunction, Development Aphasia or Speech Impairment
☐ Other

☐ Yes, I request a Reasonable Accommodation Needs Assessment Review
☐ No Reasonable Accommodation is needed at this time

Additional Comments:

Signature: ____________________________ Date: ____________________________

RI EEO 5/09A
REVISED 7/02/2002
RI SEEO (401) 222-3090
Procedure For Requesting An Accommodation

The Community College of Rhode Island is committed to providing reasonable accommodations to its employees, if necessary, in order to perform the essential functions of their positions.

To request a reasonable accommodation:

1. The employee notifies either the Office of Human Resources or the Office of Institutional Equity of his or her disability.

2. After notification, the Office of Human Resources will provide the employee with a copy of his/her job description, the Disability Verification Form-Health Provider Statement (to be completed by the healthcare provider in order to declare a disability) and the Reasonable Accommodation Request Form to be completed by the employee.

3. The completed Reasonable Accommodation Request Form, Disability Verification Form/Health Provider Statement, job description and essential functions are reviewed by the Director of Human Resources or designee. The Director of Human Resources, or designee, will meet with the appropriate campus officials, if necessary, to discuss the accommodation request.

4. Once a decision is reached regarding the accommodations request, a letter of notification is sent from the Director Human Resources, or designee, to the employee to be signed by the employee and returned to the Office of Human Resources for official record.

5. In compliance with applicable laws and regulations, all documents pertaining to a disability request are placed in a confidential file and may be opened only by the employee or an appropriate Human Resources representative on an “as needed” basis.

Appeal Procedure

Should the employee requesting an accommodation disagree with the decision reached by the Director of Human Resources, or designee, an appeal may be filed by the employee with the Director of Institutional Equity.
COMMUNITY COLLEGE
OF RHODE ISLAND
Office of Human Resources

REASONABLE ACCOMMODATION REQUEST FORM

Name: ___________________________ Position: ___________________________

Department: _______________________

To request a reasonable accommodation at the Community College of Rhode Island, an employee should complete this form and provide written documentation by his/her physician(s) that describes the disability and specific accommodation requested. The Reasonable Accommodation Request Form and Disability Verification Form must be sent to the Office of Human Resources. This information will be kept separate from the employee's personnel file.

The purpose of this form is to assist the Community College of Rhode Island in determining whether or to what extent a reasonable accommodation is required for an employee to perform the essential functions of his or her job safely and effectively. If additional space is needed, please attach a separate sheet of paper.

To Be Completed by Employee

1. Identify and describe the physical or mental disability, illness, condition or disease which is the basis for your request for reasonable accommodation(s):

2. Identify and describe the essential function(s) of your position which you are unable to perform without reasonable accommodation(s):

Knight Campus
400 East Avenue, Warwick, RI 02886-1807 P: 401.825.2311 F: 401.825.2345

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3. Identify and describe the reasonable accommodation(s) you believe is (are) needed to enable you to perform the essential functions of your position properly and safely, including special equipment, changes in the physical layout of the job or other accommodations.

4. Identify and describe any special methods, skills, or procedures which would enable you to perform the essential functions of the position:

5. Identify and describe any equipment, aids, or services that you are willing to provide and utilize:
DISABILITY VERIFICATION FORM – HEALTH PROVIDER STATEMENT

The employee indicated below has declared a disability and requested a reasonable accommodation in the workplace under the provisions of the American With Disabilities Act (ADA). The attached form is to be completed by the health care provider and should be submitted to the Office of Human Resources with the employee’s Reasonable Accommodation Request Form. The information sought is job-related and consistent with business necessity for the following reasons:

- to determine if the individual meets the ADA definition of “individual with a disability”;
- to determine if the individual is a qualified person under the ADA, meaning he or she can perform the essential functions of the job currently held (or held before the injury or illness), with or without reasonable accommodation, and without posing a “direct threat” to health and safety of self or others that cannot be reduced or eliminated by reasonable accommodation; and
- to identify an effective reasonable accommodation that would enable the individual to perform essential job functions in the current (or previous) job, or in a current vacant job for which the person is qualified (with or without accommodation).

The responsibility of making employment decisions or deciding whether or not it is possible to make a reasonable accommodation for a person with a disability lies with officials of the Community College of Rhode Island, not the health care provider.

Medical Authorization (to be completed by the employee)

I, __________________________, do hereby authorize my health care provider to furnish the Community College of Rhode Island (hereinafter CCRI), 400 East Avenue, Warwick, Rhode Island 02886-1807, all medical information pertaining to my request for reasonable accommodation(s).

Signature: __________________________ Date: __________________________

Knight Campus
400 East Avenue, Warwick, RI 02886-1807 T: 401.825.2313 F: 401.825.2345
1. Employee Name ____________________________ 3. Date __________

2. Job Title ____________________________ 4. Dept. ______________________________

(This Section to be completed by the Health Care Provider)

5. Please describe the employee's current health condition/disability:

6. Date condition/disability commenced ________________________________

7. Probable duration of condition/disability ________________________________

8. Does the employee's medical condition result in a physical or mental impairment that substantially limits one or more "major life activities"? Yes _____ No _____

   If "yes" please describe the functional limitations; indicating which "major life activities" are affected:
9. Attached is a job description or information about the essential functions of the employee's position. Please circle any items listed on the job description that the employee may not be able to perform based on the employee's medical history and physical exam. Please indicate your opinion by selecting one of the following options:

______ Should be able to perform the essential job functions without accommodation;

______ May not be able to perform the essential job functions circled on the attached job description and a reasonable accommodation is not feasible;

______ May not be able to perform the essential job functions circled on the attached job description; however, the following reasonable accommodation(s) should be considered to help the individual perform the essential functions (please list your recommendation for reasonable accommodation);

10. (Optional) If necessary for the protection of the health, and safety of this employee or others, please indicate special instructions for first-aid providers or supervisors:

(Signature of Health Care Provider)  (Date)

[Print Name of Health Care Provider]  (Type of Practice)

(Address)  (Telephone Number)
Exhibit D

Council on Postsecondary Education  Sexual Harassment and Sexual Violence Policy
COUNCIL ON POSTSECONDARY EDUCATION

SEXUAL HARASSMENT

AND

SEXUAL VIOLENCE POLICY

CPE Approved (4-1-2015)
COUNCIL ON POSTSECONDARY EDUCATION

SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

POLICY STATEMENT

It is the policy of the Council on Postsecondary Education ("CPE"), its constituent institutions of higher education (specifically, the University of Rhode Island, Rhode Island College, the Community College of Rhode Island) and the Office of Postsecondary Commissioner (collectively referred to as the "Covered Entities") to prohibit all forms of unlawful sexual harassment and sexual violence, as those terms are defined herein.

PURPOSE AND GOALS OF POLICY

(1) Defines the types of conduct that will be considered to be prohibited sexual harassment, sexual assault and sexual violence at the Covered Entities;
(2) Provides examples of such prohibited conduct;
(3) Sets forth the mandatory and discretionary reporting obligations and procedures pertaining to such conduct that is witnessed, experienced or learned about by, or reported to, employees of the Covered Entities.
(4) Provides a list of contacts, and internal and external resources, available to individuals who experience or witness acts of sexual harassment, sexual assault and sexual violence or who have questions relating to those subjects.

BACKGROUND

Sexual harassment, as defined herein, is prohibited in employment by Title VII of the 1964 Civil Rights Act and the Rhode Island Fair Employment Practices Act, and in education programs, activities and benefits by Title IX of the Educational Amendments of 1972 and Title VI of the 1964 Civil Rights Act.

Sexual violence (as defined herein) is prohibited in both the employment context, as well as in the educational programs, activities and benefits context, under Title IX of the Educational Amendments of 1972 ("Title IX") and the Violence Against Woman Reauthorization Act of 2013 ("VAWA").

APPLICABILITY

All faculty, staff, and students at all Covered Entities must comply with this policy in an effort to foster an inclusive and safe academic and work environment. This policy applies to the perpetration of sexual harassment, sexual assault or sexual violence by one member of the Covered Entity's community (faculty, staff, student, or volunteer) against another. Depending on the context, the policy may also apply where one of the involved or affected parties is a visitor or a contractor performing work on behalf of the Covered Entity. The policy applies to all such behavior occurring on campus, and to behavior occurring off campus when the behavior arises in the context of a Covered Entity event or otherwise has a significant relation to, or could have a significant impact on, the Covered Entity's living, learning or employment environments.

SEXUAL HARASSMENT
Sexual Harassment is defined as unwelcome sexual advances, request for sexual favors, and any other verbal, non-verbal or physical 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 education, employment, or participation in programs or activities at the Covered Entity;
(2) Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting that individual's education, employment, or participation in programs or activities at the Covered Entity; or
(3) Such conduct is so severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's education, employment or participation in programs or activities at the Covered Entity and/or creating an intimidating, hostile, offensive or abusive employment, academic, extracurricular or living or learning environment for the individual at the Covered Entity.

The following are just two examples of conduct and behavior that will very likely be considered sexual harassment under this policy:

(1) A faculty member conditions a student's favorable evaluation on the student's submission to sexual advances. The faculty member then gives the student a poor evaluation after the student rejects the faculty member's advances.
(2) A student editor for the college newspaper continually and inappropriately touches another student newspaper staff member in a sexual manner over an extended period of time. The touching is unwelcome and continues even after the student editor is asked to stop. The conduct makes the staff member uncomfortable and creates an offensive and hostile environment in the newsroom.

Sexual harassment can arise from many different types of unwelcome verbal, nonverbal and physical conduct ranging from sexual gestures or teasing to sexual assault, acts of sexual violence, including domestic and dating violence, stalking and other coercive activity.

Examples of such conduct and behaviors that may be lead to a finding of sexual harassment include, but are not limited to, the following:

(1) Verbal: Sexual remarks, comments, jokes and innuendos, communicating unwelcome stories about someone's social or sexual life, and propositions or pressure for social or sexual contact.
(2) Non-verbal: The display of sexually explicit stares, gestures or suggestive pictures, including secretly video recording sexual acts or objects.
(3) Physical: Unwanted touching, patting, grabbing, pinching, including sexual assault, domestic violence, dating violence stalking and rape.

Sexual harassment need not be intentional. The intent of the person who is alleged to have committed such behavior may not be relevant to determining whether a violation has occurred. The relevant determination is whether a reasonable person similarly situated could have reasonably considered the alleged behavior to be sexual harassment.

Acts that do not necessarily involve conduct of a sexual nature but are based on sex or gender-stereotyping, and which may include physical aggression, intimidation, hostility, humiliation, insulting and hazing, may also be considered sexual harassment under this policy. Specific examples of such behavior that may lead to a finding of sexual harassment include the following:
(1) A male employee is repeatedly taunted and insulted verbally by his co-workers for his "looking like a girl," "for acting like a girl" and "acting like a queer."
(2) A female program director is repeatedly called "bossy", "overly aggressive" and "un-lady like" by her male supervisors with some of these criticisms noted in her performance evaluations.

SEXUAL VIOLENCE

As used in this policy, the term sexual violence shall refer to (a) "sexual violence under Title IX" as that term is defined herein; (b) "sexual or relationship assault or violence under VAWA" as that term is defined herein; and/or (c) "sexual assault or relationship violence under Rhode Island law" as defined herein. All forms of sexual assault and violence are prohibited under this policy.

SEXUAL VIOLENCE UNDER TITLE IX

Sexual violence under Title IX, as described in the April 4, 2011 guidance issued by the U.S. Department of Education, is a form of sexual harassment, and refers to: physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and other forms of sexual coercion.

SEXUAL OR RELATIONSHIP VIOLENCE OR ASSAULT UNDER VAWA

Sexual or relationship violence or assault under VAWA refers to the following offenses, as defined herein: Sexual Assault-VAWA; Domestic Violence-VAWA; Dating Violence-VAWA; and Stalking-VAWA.

SEXUAL ASSAULT- VAWA

An offense that meets one of the following definitions of rape, fondling, incest, or statutory rape used in the FBI's Uniform Crime reporting Program.

Rape ——The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling ——The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest ——Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape ——Sexual intercourse with a person who is under the statutory age of consent.

DATING VIOLENCE- VAWA
Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE- VAWA

A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

STALKING- VAWA

(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person’s safety or the safety of others; or

(B) Suffer substantial emotional distress.
(ii) For the purposes of this definition—

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, including social media, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

SEXUAL OR RELATIONSHIP VIOLENCE OR ASSAULT UNDER RHODE ISLAND LAW

Sexual or Relationship Assault or Violence under Rhode Island Law refers to the following offenses, as defined herein and fully set forth on EXHIBIT A attached hereto and made a part hereof:

SEXUAL ASSAULT – RI (as defined in R.I.G.L §11-37-1 through §11-37-6)
DATING VIOLENCE – RI (as defined in R.I.G.L. §16-22-24)
DOMESTIC VIOLENCE –RI (as defined in R.I.G.L. §12-29-2)
STALKING – RI (as defined in R.I.G.L. §11-59-1 through §11-59-2)

REPARIAL

Retaliation against any complainant or witness is prohibited and shall be treated as a separate violation under this policy as well as any of the Covered Entity’s community standards and Non-Discrimination Policy.

Furthermore, no officer, employee, student or agent of any of the Covered Entities shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of law, or any of the Covered Entity’s policies or procedures, relating to campus security or campus crime reporting, including any laws and policies relating to the reporting of, and required responses to, allegations of sexual violence.

REPORTING PROCEDURES AND AVAILABLE RESOURCES

Each of the Covered Entities shall establish, and make known to their students and employees, their (legally compliant) “reporting procedures” for the reporting of instances or complaints of sexual harassment and sexual violence, including a description of which employees shall be responsible for reporting, and which official(s) shall be responsible for receiving such reports.
The Covered Entities shall also publish and make available to all of their students and employees information about “available resources” for individuals who believe they are victims of, witnesses to, or are simply concerned about, sexual harassment or sexual violence. Such “available information” should include a list of internal and external agencies, offices, hotlines, websites, or other information resources or service providers the Covered Entity believes would be important or valuable resources for their students and employees. The current “reporting procedures” descriptions, and “available resources” listings, for the University of Rhode Island, Rhode Island College, the Community College of Rhode Island, and the Office of the Postsecondary Commissioner, are attached hereto as Exhibits B, C, D and E respectively, and are incorporated by reference into this policy. Each Covered Entity shall be obligated to keep their “reporting procedures” descriptions and “available resources” listings current, and to promptly provide all updates to them (i.e. revisions to Exhibits B, C, D or E) to the Council, which will substitute the updated exhibits for the old ones and attach them to this policy.

INVESTIGATIONS AND DISCIPLINARY ACTIONS

Each Covered Entity shall investigate complaints and allegations of sexual harassment and sexual violence against their employees, pursuant to the Council for Postsecondary Education Discrimination Complaint Procedures. Each Covered Entity shall also investigate complaints and allegations of sexual harassment and sexual violence against their students in accordance with procedures described in their respective student conduct policies. Individual Covered Entity employees found in violation of this policy may be subject to disciplinary action up to and including remedial education, written reprimand, suspension and/or termination.
EXHIBIT A

ADDITIONAL DEFINITIONS RELEVANT TO "SEXUAL OR RELATIONSHIP ASSAULT OR VIOLENCE UNDER RHODE ISLAND LAW"

SEXUAL ASSAULT- RI (R.I.G.L. 11-37-1 thru 11-37-6)

"First degree sexual assault" – A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist:
(1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.
(2) The accused uses force or coercion.
(3) The accused, through concealment or by the element of surprise, is able to overcome the victim.
(4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

"Second degree sexual assault" – A person is guilty of a second-degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist:
(1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.
(2) The accused uses force, element of surprise, or coercion.
(3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

"Third degree sexual assault" – A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.

The following words and phrases, when used in the above definition, have the following meanings:

(1) "Accused" means a person accused of a sexual assault.

(2) "Force or coercion" means when the accused does any of the following:
(i) Uses or threatens to use a weapon, or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
(ii) Overcomes the victim through the application of physical force or physical violence.
(iii) Coerces the victim to submit by threatening to use force or violence on the victim and the victim reasonably believes that the accused has the present ability to execute these threats.
(iv) Coerces the victim to submit by threatening to at some time in the future murder, inflict serious bodily injury upon or kidnap the victim or any other person and the victim reasonably believes that the accused has the ability to execute this threat.
(3) "Intimate parts" means the genital or anal areas, groin, inner thigh, or buttock of any person or the breast of a female.

(4) "Mentally disabled" means a person who has a mental impairment which renders that person incapable of appraising the nature of the act.

(5) "Mentally incapacitated" means a person who is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or who is mentally unable to communicate unwillingness to engage in the act.

(6) "Physically helpless" means a person who is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.

(7) "Sexual contact" means the intentional touching of the victim's or accused's intimate parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by the accused to be for the purpose of sexual arousal, gratification, or assault.

(8) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, and anal intercourse, or any other intrusion, however slight, by any part of a person's body or by any object into the genital or anal openings of another person's body, or the victim's own body upon the accused's instruction, but emission of semen is not required.

(9) "Spouse" means a person married to the accused at the time of the alleged sexual assault, except that such persons shall not be considered the spouse if the couple are living apart and a decision for divorce has been granted, whether or not a final decree has been entered.

(10) "Victim" means the person alleging to have been subjected to sexual assault.

**DATING VIOLENCE- RI (R.I.G.L. 16-22-24)**

"Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.

The following words and phrases, when used in the above definition, have the following meanings:

"Dating partner" means any person involved in an intimate association with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.

**DOMESTIC VIOLENCE- RI (R.I.G.L. 12-29-2)**
"Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another:

(1) Simple assault (§ 11-5-3);
(2) Felony assaults (§§ 11-5-1, 11-5-2, and 11-5-4);
(3) Vandalism (§ 11-44-1);
(4) Disorderly conduct (§ 11-45-1);
(5) Trespass (§ 11-44-26);
(6) Kidnapping (§ 11-26-1);
(7) Child-snatching (§ 11-26-1.1);
(8) Sexual assault (§§ 11-37-2, 11-37-4);
(9) Homicide (§§ 11-23-1 and 11-23-3);
(10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation or a violation of a no contact order issued pursuant to § 12-29-4;
(11) Stalking (§§ 11-59-1 et seq.);
(12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14);
(13) Burglary and Unlawful Entry (§ 11-8-1 et seq.);
(14) Arson (§ 11-4-2 et seq.);
(15) Cyberstalking and cyberharassment (§ 11-52-4.2); and
(16) Domestic assault by strangulation § 11-5-2.3.

The following words and phrases, when used in the above definition, have the following meanings:

"Family or household member" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past one year which shall be determined by the court's consideration of the following factors:

(1) the length of time of the relationship;
(2) the type of the relationship;
(3) the frequency of the interaction between the parties.

"Victim" means a family or household member who has been subjected to domestic violence.

STALKING- RI (R.I.G.L. 11-59-1 through 11-59-2)
"Stalking" means when a person: (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury.

The following words and phrases, when used in the above definition, have the following meanings:

(1) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(2) "Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury.
EXHIBIT B
Reporting Procedures and Resource Listings
for
The University of Rhode Island

REPORTING

Any person who feels that they may have been the target of or witness to sexual harassment, including sexual violence or sexual assault is encouraged to seek redress through the following:

1. Student-to-student complaint - Office of Student Life, URI Police Department
2. Student-to-faculty complaint - Department Chair, College Dean, URI Police Department
3. Student-to-staff or staff-to-staff or faculty-to-faculty or faculty-to-staff complaint: Human Resources, Chair or Dean, URI Police Department or:

The University of Rhode Island’s Office of Affirmative Action, Equal Opportunity and Diversity
Title IX Coordinator - Roxanne M. Gomes, Administrator
Deputy Title IX Coordinator - Gerard J. Holder, Investigator
201 Carlotti Administration Building
Kingston, Rhode Island 02881
Phone: 401-874-2442
Fax: 401-874-2995
TTY Via Relay 711
uri.edu/affirmativeaction

The following individuals shall be considered “responsible employees” at URI for purposes of reporting complaints and incidents of sexual harassment and sexual violence under the CPE’s Sexual Harassment and Sexual Violence Policy: All Senior University Officials, including all University Officers and all Senior Administrators with a rank of Director or higher (e.g. Directors, Vice Presidents, President); All Full Time and Part Time Faculty; All Academic Deans and Department Chairs; All employees who are responsible supervisors for one or more other employees; All Resident Assistants; All coaches; and All other individuals designated as “Campus Security Authorities,” as listed in the University’s Annual Crime Statistics and Fire Safety Report (“Clery Report”). Notwithstanding the foregoing, mental health counselors, pastoral counselors, psychologists, health services employees or other employees with a professional license that requires confidentiality, or employees supervised by any such employees, are not considered responsible employees for reporting purposes, and shall not report incidents of sexual harassment or sexual violence in a way that identifies the student, without the student’s consent.
All such responsible employees are obligated to report all actual, suspected or alleged incidents of sexual harassment and sexual violence which are reported to them, or of which they become aware, to the Office of Affirmative Action/Title IX Coordinator (when the alleged perpetrator is an employee) or the Office of Student Life (when the alleged perpetrator is a student).

AVAILABLE RESOURCES

The University recognizes that some individuals, for a variety of reasons, may be reluctant to cooperate or participate in the investigation or file a complaint without the advice or counsel of a sympathetic party. The following resources are available to provide assistance and information to anyone who is concerned or witnessed incident(s) of sexual harassment and sexual violence or sexual assault:

**Internal Resources:**

- Counseling Center – 401-874-2288
- Health Services – 401-874-2246
- Office of Student Life – 401-874-2101
- Women’s Center 401-874-2097
- CCE Department of Student Services – 401-277-5000

  **Campus Police:**
  - Kingston Campus 401-874-2121
  - College of Continuing Education 401-277-5155
  - Narragansett Bay Campus 401-874-4910

**External Resources:**

- U.S. Department of Education
  - Office for Civil Rights, Boston Office
  - 5 Post Office Square, 8th Floor
  - Boston, MA 02109-3921
  - 617-289-0111

- Rhode Island Commission for Human Rights
  - 180 Westminster Street, 3rd Floor
  - Providence, RI 02903
  - 401-222-2662

- Equal Employment Opportunity Commission
  - Boston Area Office
  - J.F.K. Federal Building, Room 475
  - 475 Government Center
  - Boston, MA 02203
  - Toll Free 1-866-408-8075
  - 617-565-3200

Other Resources: Click here for emergency services.
EXHIBIT C

Reporting Procedures and Resource Listings
For
Rhode Island College

REPORTING

Any person who feels that they may have been the target of or witness to sexual harassment, including sexual violence or sexual assault is encouraged to seek redress through the following:

(1) Student-on-student complaint - Office of Student Life, RIC Campus Police
(2) Student-on-faculty, student-on-staff - Office of Student Life, Director of HR/AA, RIC Campus Police
(3) Staff-on-staff or faculty-on-faculty or faculty-on-staff complaint -
   Administrator/Director, Department Chair, College Dean, Director of HR/AA, RIC Campus Police or
   The Rhode Island College’s Office of Human Resources/Affirmative Action

Title IX Coordinator – Maggie Sullivan, Director
303 Roberts Hall
Providence, Rhode Island 02908
Phone: 401-456-8216 OR 456-8218
Fax: 401-456-8711
http://www.ric.edu/affirmativeAction/

The following individuals shall be considered “responsible employees” at RIC for purposes of reporting complaints and incidents of sexual harassment and sexual violence under the CPE’s Sexual Harassment and Sexual Violence Policy: All Senior college officials, including all college officers and all Senior Administrators with a rank of Director or higher (e.g. Directors, Vice Presidents, President); All Full Time and Part Time Faculty; All academic Deans and Department Chairs; All employees who are responsible supervisors for one or more other employees; All Residence Hall Coordinators and Residence Hall Directors; All coaches; and All other individuals designated as “Campus Security Authorities,” as listed in the college’s Annual Crime Statistics and Fire Safety Report (“Clery Report”). Notwithstanding the foregoing, mental health counselors, pastoral counselors, psychologists, health services employees or other employees with a professional license that requires confidentiality, or employees supervised by any such employees, are not considered responsible employees for reporting purposes, and shall not report incidents of sexual harassment or sexual violence in a way that identifies the student, without the student’s consent.

All such responsible employees are obligated to report all actual, suspected or alleged incidents of sexual harassment and sexual violence which are reported to them, or of which they become
aware, to the Office of Human Resources/Affirmative Action/Title IX Coordinator (when the alleged perpetrator is an employee) or the Office of Student Life (when the alleged perpetrator is a student).

AVAILABLE RESOURCES

The College recognizes that some individuals, for a variety of reasons, may be reluctant to cooperate or participate in the investigation or file a complaint without the advice or counsel of a sympathetic party. The following resources are available to provide assistance and information to anyone who is concerned or witnessed incident(s) of sexual harassment and sexual violence or sexual assault:

Internal Resources:

Counseling Center – 401-456-8094    Health Services – 401-456-8055
Office of Student Life – 401-456-8061    Women’s Center 401-456-8474
Residential Life and Housing – 401-456-8240
HR/Affirmative Action Office – 401-456-8218
Security and Safety (Campus Police) – 401-456-8201 or 401-456-8522

External Resources:

U.S. Department of Education
Office for Civil Rights, Boston Office
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
617-289-0111

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
401-222-2662

Equal Employment Opportunity Commission
Boston Area Office
J.F.K. Federal Building, Room 475
475 Government Center
Boston, MA 02203
Toll Free 1-866-408-8075
617-565-3200

Other Resources: Click here for emergency services.
EXHIBIT D

Reporting Procedures and Resource Listings
for
The Community College of Rhode Island

REPORTING

Any person who feels that they may have been the target of or witness to sexual harassment, including sexual violence or sexual assault is encouraged to seek redress through the following:
(1) Student-to student complaint – Dean of Students, Title IX Coordinator or College Police
(2) Student-to-faculty complaint – Title IX Coordinator, Office of Human Resources, Director of Affirmative Action, Dean of Students or College Police
(3) Student-to-staff complaint – Title IX Coordinator, Office of Human Resources, Director of Affirmative Action, Dean of Students or College Police
(4) Staff-to-staff or faculty-to-faculty or faculty-to-staff complaint or faculty/staff to student complaint – Title IX Coordinator, Office of Human Resources, Director of Affirmative Action or College Police
(5) Non-credit/CWCE student complaint – Title IX Coordinator, Office of Human Resources, Director of Affirmative Action, Director of Community Services or College Police
(6) Vendors, Sub-Contractors, Visitors or Members of the public whose complaints are based on actions that happened within the college’s jurisdiction – Title IX Coordinator, Office of Human Resources or College Police

COLLEGE POLICE

LINCOLN  401-333-7035
NEWPORT  401-851-1620
PROVIDENCE  401-455-6050
WARWICK  401-825-2109

Elizabeth Canning, Director of Institutional Equity, Title IX Coordinator, Section 504 Coordinator, ecanning@ccri.edu, 401-825-1230

Michael Cunningham, Dean of Students, Deputy Title IX Coordinator mjcunningham2@ccri.edu, 401-333-2459

Sheri Norton, Director of Human Resources snorton@ccri.edu, 401-825-2311

The following individuals shall be considered “responsible employees” at CCRI for purposes of reporting complaints and incidents of sexual harassment and sexual violence under the CPE’s
Sexual Harassment and Sexual Violence Policy: All College Officials and Administrators; All full Time and Part Time Faculty; All Academic Deans, Associate and Assistant Deans, and Department Chairs; All Student Services Deans, Associate and Assistant Deans, Directors, Associate and Assistant Directors; All Student Services Advisors, Coordinators and other professional staff; All employees who are responsible supervisors for one or more employees; All Athletic Coaches and Trainers; All Student Organization Advisors; and All other individuals designated as “Campus Security Authorities,” as listed in the college’s Annual Crime Statistics and Fire Safety Report (“Clery Report”). All such “responsible employees” are obligated to report all actual, suspected or alleged incidents of sexual harassment and sexual violence which are reported to them, or of which they become aware to the Office of Human Resources at 401-825-2311. The list above does not imply that others should not or cannot report sexual harassment and sexual violence or that they do not have an ethical or moral responsibility to do so.

Notwithstanding the foregoing, pastoral and professional counselors providing counseling services as part of their duties are exempt from mandated reporting. A pastoral counselor is defined as an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is defined as an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

AVAILABLE RESOURCES

Various on-campus support and counseling services are available for victims of sexual assault. CCRI offers counseling services:

Warwick: 401-825-2301
Lincoln: 401-333-7160
Providence: 401-455-6063
Newport: 401-851-1625

Students may contact CCRI’s Health Services at 401-825-2103 or email nurse@ccri.edu. Hours of operation for these services vary and this should not be considered an emergency contact. Check the website for current hours of operation.

Off-campus services that are available 24 hours/7 days a week include:

Sojourner House 401-765-3232 (Providence) www.soujournerri.org
Day One 800-494-8100 (Providence) www.dayoneri.org
Elizabeth Buffum Chace Center 401-738-1700 (Warwick) www.ebcccenter.org

The personnel in these offices can provide advice and counseling, detailed information on health issues and reporting procedures, or referrals to other resources.
External Resources:

U.S. Department of Education
Office for Civil Rights, Boston Office
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
617-289-0111

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
401-222-2662

Equal Employment Opportunity Commission
Boston Area Office
J.F.K. Federal Building, Room 475
475 Government Center
Boston, MA 02203
Toll Free 1-866-408-8075
617-565-3200
Exhibit E

Council on Postsecondary Education Complaint Procedures
COUNCIL ON POSTSECONDARY EDUCATION

COMPLAINT PROCEDURES

for

DISCRIMINATION, SEXUAL HARASSMENT & SEXUAL VIOLENCE

Approved June 17, 2015
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INTRODUCTION: GENERAL COMPLAINT PROCEDURES PERTAINING TO EMPLOYEES

These complaint procedures apply to complaints by or regarding employees of the Council on Postsecondary Education (the "Council"), at the University of Rhode Island, Rhode Island College, and The Community College of Rhode Island (the "Institutions") and the Office of the Postsecondary Commissioner ("OPC"), alleging unlawful discrimination, harassment, and retaliation as well as all types of sexual harassment and sexual violence that are prohibited by Title IX (including sexual assault, sexual battery, rape and sexual coercion) and all types of sexual or relationship assault or violence that are prohibited by the Violence Against Women Reauthorization Act ("VAWA") of 2013, (which are sexual assault, domestic violence, dating violence, and stalking). All of the sexual and relationship offenses prohibited under Title IX and VAWA, which are also all prohibited by the Council's Sexual Harassment and Sexual Violence Policy, will hereinafter be collectively referred to by the general term "sexual violence."

The Council prohibits discrimination, including harassment and retaliation, on the basis of race, color, creed, national or ethnic origin, gender, gender identity or expression, religion, disability, age, sexual orientation, genetic information, marital status, citizenship status or status as a special disabled veteran, recently separated veteran, Vietnam era veteran, or any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. The Council also prohibits all forms of sexual harassment and sexual violence.

These procedures are also applicable to complaints and cases that may arise under, and are intended to be consistent and compliant with the procedural and substantive provisions of, applicable state and federal law and regulations including but not limited to Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the 1972 Educational Amendments to the Higher Education Act; the Age Discrimination in Employment Act of 1967; Sections 503 and 504 of the Rehabilitation Act of 1973, as
amended; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended; the Equal Pay Act of 1963; the Americans with Disabilities Act of 1990; ADA Amendment Act of 2008; the Higher Education Act of 1965, as amended; the Violence Against Women Reauthorization Act of 2013; the Genetic Information Nondiscrimination Act, Executive Order 11246, as amended; Executive Order 91-39; Executive Order 92-2; and Rhode Island General Law §28-5.1, as amended.

These procedures also describe the process for individual members of the relevant campus communities (e.g., faculty, staff or students), and employees of the Office of Postsecondary Commissioner ("OPC"), to follow in the event they believe themselves or others, to have been victim of unlawful discrimination, harassment, retaliation, sexual harassment, or sexual violence. These procedures also describe the required process for the investigation and resolution of allegations of such wrongful conduct by the institutions and OPC.

Complaints regarding the institutions' President or the Commissioner of Postsecondary Education should be filed with the Office of General Counsel for the Council on Postsecondary Education.

A complaint may also be filed against institutional service providers, vendors, and other contractors. In these instances, the Affirmative Action Office shall determine, within its discretion, appropriate response and action.

The provisions of the collective bargaining agreements governing unionized employees may provide additional mechanisms for addressing allegations of discrimination.

OFFICES FOR COMPLAINANTS TO CONTACT

If any member of the relevant campus communities (e.g.: faculty, staff or students) or employees of the OPC believe that their rights (and/or the rights of others) have been violated and wish further information, advice or assistance in filing a complaint, they should, as a first step contact:
University of Rhode Island
Affirmative Action Office/Title IX Coordinator (Roxanne Gomes)
201 Carlotti Administration Building
Kingston, Rhode Island 02881
Phone: (401) 874-2442
TTY - via RI Relay at 1-800-745-5555

Rhode Island College
Affirmative Action Office/Title IX Coordinator (Margaret Lynch Gadaleta)
600 Mt. Pleasant Avenue
Providence, Rhode Island 02908
Phone: (401) 456-8000
TTY - via RI Relay at 1-800-745-5555

Community College of Rhode Island
Director of Institutional Equity, Title IX Coordinator, Section 504 Coordinator (Elizabeth Canning) ecanning@ccri.edu
400 East Avenue
Warwick, Rhode Island 02886
Phone: (401) 825-1230
TDD: (401) 825-2313

Office of Postsecondary Commissioner
Affirmative Action Office/Title IX Coordinator (Interim: Ann Marie Coleman)
80 Washington Street, Ste. 450
Providence, Rhode Island 02903
Phone: (401) 456-6000
TDD: (401) 456-6027
INFORMATION FOR COMPLAINANTS ALLEGING SEXUAL VIOLENCE

In cases involving allegations of sexual violence, Complainants shall, in addition, be provided an explanation of his/her rights and options, which shall include a description of available options for, and assistance in, changing academic, living, transportation, and working situations, as well as information about:

1. the importance of seeking immediate medical attention for sexual violence
2. other available health care and counseling services
3. the importance of preserving evidence for proof in the investigation or subsequent proceedings, or for obtaining a protective order
4. to whom the alleged sexual violence should be reported
5. options regarding notifying law enforcement and/or campus authorities, including notification of the Complainant regarding the Complainant’s right to:
   a. notify either police (local or campus) or campus authorities
   b. be assisted by campus authorities in notifying law enforcement if the Complainant so chooses
   c. decline to notify such authorities
6. the rights of Complainants and the institutions in notifying law enforcement if the protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

If the Complainant alleging sexual violence is a student, the student shall also be referred to the appropriate Student Affairs Office responsible for advising student victims of alleged sexual violence, which shall provide further relevant information and assistance to the student, as required by Title IX, VAWA, local law and institution/OPC policies. If the complaint alleges sexual violence, the complaint investigation and proceedings shall provide a prompt, fair and impartial process (which includes the provision to the parties of timely and equal access to any information that will be used during the formal resolution process) and shall be conducted by an official (or officials) who do not have a conflict or bias for or against the Complainant or Respondent and who have received annual training on methods and processes for conducting complaint
investigations and proceedings in a manner that protects the safety of victims and promotes accountability, and any other training required by law or University policy.

COMPLAINTS AGAINST STUDENTS
In the event that an employee files a complaint against a student, the Affirmative Action Officer/Title IX Coordinator and the Division/Office of Student Affairs will determine which office will proceed with the processing of the complaint. Proceedings involving student-to-student complaints will be adjudicated through the Division/Office of Student Affairs and must comply with the procedural guidelines contained in the institution's student handbook.

REPORTING BY RESPONSIBLE EMPLOYEES
The required general procedures pertaining to the reporting of instances or complaints of sexual harassment and sexual violence are set forth in the Council on Postsecondary Education Sexual Harassment and Sexual Violence Policy. The more specific reporting procedures established by each Institution and the OPC are set forth in Attachments B, C, D and E of that Policy. Those specific reporting procedures list the "responsible employees" at each of the Institutions and the OPC who are required to report complaints and incidents of sexual harassment and sexual violence reported to them or of which they become aware.

Those same "responsible employees" shall also be required under these Procedures to report all other instances and allegations of other types of discrimination (i.e. discrimination other than sexual harassment and sexual violence), including but not limited to racial or gender discrimination, or retaliation, to their institution’s/OPC's Affirmative Action Office.

FILING DEADLINES
To provide adequate opportunity for a prompt investigation, that enables access to the most current evidence, parties are encouraged to file complaints as soon as possible. All complaints under this procedure must normally be filed within 365 days after the last of
alleged discriminatory act occurred. The Institution's/Office's ability to respond to complaints filed beyond this time is limited. However, complaints or cases involving allegations of continuing unlawful discrimination, harassment, sexual harassment, sexual violence, or retaliation may be fully investigated, including occurrences beyond the 365-day time frame, so long as the last act of alleged discrimination occurred within the prescribed filing deadline (365 days).

ADVISORS AND SUPPORTERS

All parties meeting with an Affirmative Action Officer/Title IX Coordinator may be accompanied by an individual of their choice (who may be an attorney) for support and/or advice. This individual may not address or question the investigator, other parties or witnesses; may not present evidence or make arguments; and shall not have any role other than to accompany and communicate with the party requesting support.

DISCRIMINATION AGAINST GROUPS

Cases involving unlawful discrimination, including harassment or retaliation, against a group or class of individuals, reflecting an apparent pattern and practice of discrimination, must be appropriately acted upon by the Affirmative Action Officer/Title IX Coordinator regardless of whether there is an identified complainant.

CRIMINAL VIOLATIONS

If a complaint or case reported to the Title IX Coordinator or Affirmative Action Office involves potential criminal violations, that Coordinator or Office shall forward a report of the complaint or case to the campus police and to the appropriate President or the Commissioner of Postsecondary Education where applicable.

In cases involving allegations of sexual violence or other crimes, Complainants shall also be informed of their right to file a complaint with campus police or local law enforcement authorities. However, regardless of whether a Complainant files a complaint with local
law enforcement authorities, and regardless of any investigations or other actions taken by local law enforcement, the Institution/OPC will continue to have an obligation to undertake and duly complete its own internal complaint and investigation procedure.

NON-RETAILIATION

Retaliation against any Complainant or witness is prohibited and shall be treated as a separate violation of the Institution’s or OPC’s community standards and Non-Discrimination Policy. Specifically, no officer, employee, or agent of the Institutions or OPC under the Council’s jurisdiction shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for filing a complaint or participating in any investigation or proceeding brought pursuant to this policy.

There shall be no disciplinary action, retaliation or reprisal for bringing a complaint in good faith. Individuals shall not, however, knowingly make false charges of discrimination, harassment, retaliation, sexual harassment, or sexual violence.

MODIFICATION OF PROCEDURES

These procedures constitute the general complaint process to be followed by the Institutions and OPC in addressing and resolving complaints and cases of unlawful discrimination, harassment, retaliation, sexual harassment and sexual violence. The Institutions and OPC shall have the right to reasonably alter and/or deviate from the procedural guidelines contained herein when it is warranted by either the circumstances of a case or required by applicable state and federal law and regulations. The Institutions and OPC shall also have the right to authorize and appoint a designee to serve in the Affirmative Action Officer’s capacity in the execution of these procedures.

The parties are to be provided timely written notice of any such designation and of any substantive deviation from the procedural guidelines.
SPECIFIC PROCEDURES

INITIAL CONSULTATION

The Affirmative Action Officer/Title IX Coordinator shall meet with the Complainant to discuss the Complainant's concerns, and review the complaint procedure, determine the appropriate jurisdiction, and explain the different methods available to resolve the complaint under these procedures. (See: formal resolution and informal resolution, where applicable).

The purpose of this initial step is to assist individuals to identify the source of the concern and provide the Complainant with information concerning Institutional/OPC resources, policies and procedures; so that the Complainant might best assess the most appropriate course of action, given their circumstances.

PROCEDURAL OPTIONS

If it is determined that the Affirmative Action Office shall retain responsibility for the case, the Affirmative Action Officer/Title IX Coordinator will ascertain from the Complainant which of the following procedural resolution options he/she prefers to utilize.

Informal Resolution (Not an Option for Sexual Violence Cases)

Formal Resolution

The selected option will be verified by the Complainant's signature. Selection of an option at this time will not preclude the Complainant from electing another option at a later time, where appropriate, as determined in consultation with the Affirmative Action Officer/Title IX Coordinator. Informal Resolution may only be utilized when both the Complainant and Respondent agree to it.

If it is determined that the case should not be addressed by the Affirmative Action Office, the Affirmative Action Officer or Title IX Coordinator will refer the Complainant to the appropriate office or department.
INTERIM PROTECTIVE MEASURES

If, during the initial consultation, the Affirmative Action Officer/Title IX Coordinator determines that immediate action may be necessary to protect the rights, interests, or safety of the Complainant, Respondent or the campus community, the Affirmative Action Officer/Title IX Coordinator will advise the institution’s/OPC’s human resources office and Division/Office of Student Affairs (if applicable) of the situation. Upon consultation with appropriate institution/OPC officials, immediate action may be taken which may include temporary changes in duties and responsibilities, directives to Complainant and Respondent regarding personal contact, warnings to the Respondent and, in severe cases, and the immediate suspension of the Respondent pending the completion of a formal investigation. These remedial and protective actions may be coordinated with any similar actions independently provided by the Institution upon the request of the Complainant.

WITNESSES

The Affirmative Action Officer/Title IX Coordinator may contact any other pertinent individuals who may have knowledge or information relating to the matter.

CONFIDENTIALITY

At the time at which a procedural option is selected, the Complainant will also be asked to make a decision regarding confidentiality. The Institution/OPC will make all reasonable efforts to honor requests for confidentiality, to the extent permitted by law. However, it must be understood that while some concerns or complaints can be resolved without disclosing one's identity, often successful resolution cannot be achieved under such circumstances. Further, individuals who are directly accused of unlawful and/or discriminatory behavior and who, as a result, may be subject to disciplinary action, are entitled to a copy of the formal complaint and/or a summary of the charges against them so that they may prepare a proper defense.
Any member of the Council, employees of the Office of the Postsecondary Commissioner, or students or employees of the colleges or university who participate in formal or informal proceeding under this policy or otherwise gain knowledge thereof shall treat all information acquired, whether written or oral, as confidential, provided however, that the parties to a proceeding may share such information with their personal advisors, advocates and representatives.

The Institutions and OPC will keep identifying information about Complainants and victims confidential in accordance with all applicable legal requirements, and such information will generally only be shared on a need-to-know basis with those college, university, and OPC officials such as investigators, campus security personnel, student affairs officials, and other institutional or OPC officials who are involved in responding to the complaint or who are legally required to receive such information. In cases where an individual wishes to file a complaint but not be identified, their request will be honored to the full extent permitted by law, but the individual will be advised that the college’s, university’s, or OPC’s ability to investigate the complaint or proceed with appropriate corrective or disciplinary action may be prevented or significantly hampered. The identity of, and identifying information about, Complainants and victims will not be disclosed in any public safety notices, final determination reports, or statistical reports that may be issued or made publically available as required or permitted by law. If the institution or Office is compelled by law, such as through a subpoena or court order issued in a legal proceeding, or through a public records request, to provide such information to third parties, the Institution or Office will make a reasonable effort, prior to complying with the request, to notify the individual, so that the individual may seek a protective order or take other actions as they may deem appropriate.

**INFORMAL RESOLUTION**

This informal procedure is intended to affect the resolution of a complaint by reconciling the parties’ differences and/or rectifying the alleged discriminatory action(s). Complaints that the Affirmative Action Officer/Title IX Coordinator determines as involving
discrimination against a group or class of individuals, or involving likely criminal violations may not be resolved through use of the informal resolution process. Informal resolution will also not be used in cases involving allegations of sexual violence.

If, after preliminary review of the matter, it is the judgment of the Affirmative Action Officer/Title IX Coordinator that the case should not be addressed by the Affirmative Action Office/Title IX Coordinator, the informal procedure shall be terminated and the case shall, if applicable, be referred to the appropriate office.

If the parties agree to the informal resolution procedure, the Affirmative Action Officer/Title IX Coordinator will make all reasonable attempts to resolve the matter within thirty (30) days. The specific details of each case will determine the best possible means for achieving a satisfactory resolution. If attempts at informal resolution are not effective, if the terms of the informal resolution are subsequently broken, or if for any reason the Complainant wishes to discontinue the informal resolution process, the Complainant may exercise the remaining option.

If the complaint is resolved during the informal procedure the terms of the resolution will be reduced to writing and signed by the parties.

The Informal Resolution Procedure offers an option to discuss, evaluate and resolve allegations of discrimination without beginning a Formal Resolution/Investigation.

No official findings of fact are made about the alleged behavior, which may be discriminatory and/or violate Institution/OPC policy. Rather, emphasis is placed on:

1. Identifying the source of the allegations/concerns(s).
2. Exploring alternatives to resolve the complaint.
3. Instituting solutions to address the current concern(s) and eliminate the possibility of similar issues occurring in the future.

**Steps in the Informal Resolution Process**
The following steps shall be taken in an effort to resolve complaints in an informal manner.

**Step 1: Notifying the parties**
Upon receipt of a complaint, the Office of Affirmative Action/Title IX Coordinator shall notify and meet with the Complainant and the Respondent.

**Step 2: Information gathering**
In an effort to fully understand the facts and positions of the Complainant and the Respondent, the investigator shall take steps that he/she deems necessary to gather additional information from the parties or from others perceived to have knowledge of the allegations.
Step 3: Resolution or Next Steps
If all parties agree to the informal resolution process, the Affirmative Action Officer/Title IX Coordinator will make all reasonable attempts to resolve the matter within thirty (30) days. The specific details of each case will determine the best possible means for achieving a satisfactory resolution.
If the informal resolution process fails to resolve the matter to the satisfaction of both the parties, or the terms of the informal resolution as subsequently broken, either may request a Formal Resolution/Investigation of the charge within 10 calendar days of concluding the Informal Resolution Process.

FORMAL RESOLUTION
Any person(s) who believes they have been the victim of discrimination, harassment, retaliation, sexual harassment or sexual violence, or who witnesses acts of discrimination, harassment, retaliation, sexual harassment or sexual violence against others, may file a formal complaint with the Affirmative Action Office/Title IX Coordinator. Utilizing the informal process is not a prerequisite. A formal review consists of conducting an investigation, fact-finding, determining whether sufficient credible evidence exists to support the allegation(s), and issuing written findings. The formal investigation and related proceedings, which are described below, shall provide a prompt, fair, and impartial investigation and resolution of the allegations.

Step 1: Complainant’s Written Statement
Normally, a signed incident complaint form containing a written statement of allegations initiates the formal process. In order to enable the Investigator to most effectively investigate the complaint, the written statement of allegations should contain a detailed description of the conduct being complained about, the name(s) of the alleged offender(s), the name(s) of the alleged victim(s), the names of any alleged witnesses, and the name of the person filing the complaint. The Affirmative Action Officer/Title IX Coordinator will provide assistance to anyone for whom completion of the complaint form is difficult or impractical. The person or persons filing the complaint and/or the alleged victim of discrimination shall be referred to hereinafter as the “Complainant.” Anonymous complaints, and complaints filed by individuals who request confidentiality, will be investigated by the Institution/OPC to the extent possible pursuant to the procedures set forth herein.
Step 2: Notifying the Respondent

The person or persons identified as the alleged offender shall be referred to hereinafter as the "Respondent." Once the complaint has been filed, the Affirmative Action Officer/Title IX Coordinator will notify the Respondent(s) by written letter of its existence and provide him/her/ them with a copy of the signed complaint.

Step 3: Respondent's Written Response

The Respondent(s) will be provided an opportunity to file a formal response. The formal response shall be filed with the Affirmative Action Office/Title IX Coordinator by the Respondent(s) within twenty (20) days from the date the Respondent(s) received the signed complaint.

If the Respondent fails to timely file a formal response and/or elect(s) not to participate in the formal resolution process, the case will proceed and be investigated with or without the involvement of the Respondent.

If, during the investigation, the Complainant indicates a desire to withdraw his/her complaint, the Complainant shall sign a written statement of withdrawal containing the reasons therefore and the case may be closed in the discretion of the Affirmative Action Officer/Title IX Coordinator. However, the Affirmative Action Officer/Title IX Coordinator may continue to conduct the investigation and take action to address the issues raised by the Complainant regardless of the Complainant’s wishes.

Step 4: Investigation Process

The Affirmative Action Officer/Title IX Coordinator or designee will act as investigator. The investigator is neutral, objective, and does not act as an advocate for either party. The investigator is authorized to contact any and all persons who may have information relevant to the complaint and shall have access to all relevant College/ University/OPC records. The investigator shall also collect and evaluate other available records and information relevant to the complaint and investigation (e.g. email communications, medical test results, photographs), as appropriate. The investigator shall maintain a record of the investigation, including any interviews, which shall be retained as an official Affirmative Action Office record.
Step 5: Final Investigative Report

A final investigative report shall be prepared which sets forth the findings of the Affirmative Action Officer/Title IX Coordinator or designee and the basis and rationale for his/her conclusion(s). Unless otherwise indicated in the report, the date of the report shall be considered the date upon which the results of the investigation become final. In making his/her findings, the Affirmative Action Officer/Title IX Coordinator or designee shall utilize the evidentiary standard of "preponderance of the evidence." The final investigative report shall normally be issued within sixty (60) days after the complaint is filed. When more than sixty (60) days is needed to complete the investigation, the Affirmative Action Officer/Title IX Coordinator or designee shall notify the parties and proceed as expeditiously as possible. Allegations or evidence of violations of policies and procedures that are discovered during the investigation but which are outside the jurisdiction of the Affirmative Action Officer/Title IX Coordinator shall be referred to the appropriate office for resolution. The Affirmative Action Officer/Title IX Coordinator or designee will simultaneously provide copies of the report to the Complainant and the Respondent, and will also send a copy to the appropriate Vice President/Provost or Associate Commissioner. The Complainant and Respondent will also be advised of the appeal process at that time.

POST-INVESTIGATION PROCEDURES

APPEAL PROCEDURES

Either party (Complainant or Respondent) may appeal the Affirmative Action Officer's/Title IX Coordinator's findings. Such appeals shall be filed with the Institution's President or the Commissioner of Postsecondary Education as appropriate. The Appeal may be conducted by the President or the Commissioner or their designee. Parties wishing to file an appeal must do so within ten (10) days after receiving the Affirmative Action Officer's/Title IX Coordinator's final report. The appeal process will not involve reinvestigation of the complaint. Appeals must raise specific issues related to the Affirmative Action Officer's/Title IX Coordinator's findings. Appeal decisions (which shall include a statement of the rationale for the decision) shall be rendered within thirty (30)
days after the request for appeal is received unless extended for good cause as reasonably determined by the Appeals Officer. Copies of the appeal decision shall be simultaneously provided to the parties, with a copy also to be sent to the appropriate Vice President/Provost or Associate Commissioner.

**DISCIPLINARY ACTION**

When the investigative findings of the Affirmative Action Officer/Title IX Coordinator or designee (together with the appeal decision in cases in which there is an appeal) are received by the appropriate Vice President, Provost, or Associate Commissioner, he/she in consultation with the Institution's/OPC's Office of Human Resources, shall render a written determination (which includes a statement of the rationale for the determination) regarding the appropriate disciplinary and/or corrective action, if any, and provide a copy of the written determination to the Respondent. In cases involving allegations of sexual violence, a copy of the written determination will also be provided to the Complainant. Such disciplinary and/or corrective action may include but are not limited to: reprimand, required counseling, suspension, demotion, or termination.

Disciplinary action will follow the procedural requirements of applicable collective bargaining agreements and any applicable statutory and judicial mandates. The Vice President/Provost/Associate Commissioner will be responsible for the implementation of all such disciplinary/corrective action measures. A record of the outcome of each case will remain a part of the permanent file of the case maintained by the Affirmative Action Office/Title IX Coordinator.

**POST-PROCEEDING PROTECTIVE MEASURES**

In appropriate cases, the Vice President/Provost or Associate Commissioner, in consultation with the Institution's/OPC's Office of Human Resources and/or Director/Office of Student Affairs, may direct that certain measures be instituted or provided, to protect or safeguard the Complainant or victim of the misconduct, and/or to prevent or minimize the possibility of a further harmful incident or offense. Such protective
measures may include: no trespass orders, no contact directives, counseling, reassignment of work duties, workplace relocation, referral to institutional offices capable of providing support, advice or other resources (e.g. EAP, Housing, Woman's Center, Residence Life), or any such other action(s) that may be described in the Institution's/OPC's policies and that are deemed appropriate under the circumstances.

OUTSIDE AGENCIES

All individuals shall be informed regarding their right to seek redress through the following outside agencies:

Office of Civil Rights, Region I
US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Tel.: (617) 289-0111
Fax: (617) 289-0150
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

United States Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196 http://www.eeoc.gov/field/boston/index.cfm

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, Rhode Island 02903
Tel: 401-222-2661 401-222-2664
Fax: 401-222-2616
http://www.richr.state.ri.us/frames.html
Exhibit F

Discrimination Complaint Forms
COMMUNITY COLLEGE
OF RHODE ISLAND
Office of Institutional Equity

INCIDENT REPORT FORM

Reporting Party: ______________________________ Date: ______________________________
Department: ______________________________ Work Telephone: ______________________________
Home Address: ______________________________ Home Telephone: ______________________________
City: ______________________________ State: _______ Zip: _______
Are you: ☐ student ☐ employee ☐ job applicant ☐ other Email: ______________________________
Name of immediate supervisor: ______________________________
Name of person(s) against whom the complaint is made: ______________________________
Name of person(s) against whom the complaint is made is a: ☐ student ☐ employee ☐ other

If you are a student and the complaint is against your professor and occurred while you were taking a class, please provide the semester, class title and section number.
Where did the incident take place?

Basis of complaint:
☐ Age
☐ Disability
☐ Gender/Sex
☐ Gender Identity or Expression
☐ National Origin
☐ Pregnancy
☐ Race
☐ Religion
☐ Sexual Orientation
☐ Veteran Status
☐ Other

Nature of allegations:
☐ Access/accommodation
☐ Discrimination/Harassment
☐ Hiring
☐ Retaliation
☐ Other

Name of witnesses, if any: ______________________________

Date of alleged incident:
Have you brought this concern to anyone else’s attention?
☐ Yes, to whom ______________________________ ☐ No

What action would you like taken?

12/2017
DISCRIMINATION COMPLAINT PROCEDURE

OFFICE OF DIVERSITY, EQUITY AND OPPORTUNITY
STATE EQUAL OPPORTUNITY OFFICE
TELEPHONE: (401) 222-3090 FAX: (401) 222-2490

The State Equal Opportunity Office will accept, from both State Employees and Applicants for State employment, complaints of discrimination that are based on race, sex, age, national origin, religion, color, sexual orientation, gender identity or expression, and sexual harassment.

1. A complaint must be filed formally on the "Complaint Information Form"; available through the State Equal Opportunity Office within ten (10) working days from the knowledge of the alleged incident of discrimination, unless it is an ongoing discrimination.

All complaints will remain confidential except to the extent necessary to conduct a review of the facts.

2. An Equal Opportunity Officer will be assigned to investigate the complaint.

3. The Agency Director (Responder) will be notified of the alleged charge.

4. Upon the completion of the investigation, the State Equal Opportunity Office will make a determination as to probable cause based on the summary of facts.

5. When probable cause is not evident, the parties are so informed by the State Equal Opportunity Office.

6. When there is probable cause of discrimination, the State Equal Opportunity Office will try to conciliate the complaint.

7. If an agreement between both parties is not reached, a formal hearing will be scheduled and a Hearing Officer will be assigned by the State Equal Opportunity Office.

8. If and when it has been determined by the Hearing Officer that discrimination exists, the Hearing Officer will advise the State Equal Opportunity Office in writing. The State Equal Opportunity Office will then, by written notification, present findings and recommended corrective action to both parties.

If the corrective action is not implemented within the specified time frame, the State Equal Opportunity Office will notify the Governor.

An individual may also file a complaint with the Rhode Island Commission for Human Rights or the U.S. Equal Employment Opportunity Commission. If a charge has been filed, either simultaneously or at a later date with Rhode Island Commission for Human Rights or the U.S. Equal Employment Opportunity Commission, the State Equal Opportunity Office will defer to either commission for investigation and any resolution and/or prosecution of any charge.
DISCRIMINATION COMPLAINT INFORMATION FORM

1. Complainant Information:
State your name and address:
__________________________________________________________________________
City State Zip Code
Telephone Number (s)
Work: ____________________________ Home: ____________________________ Email: ____________________________
Cell Phone: ____________________________

2. Name of Department
__________________________________________________________________________

3. Name of Immediate Supervisor:
__________________________________________________________________________

4. Respondent Information:
Name and address of agency involved:
__________________________________________________________________________
City State Zip Code

5. Name and Title of person(s) charged:
__________________________________________________________________________

6. Date of alleged violation:
__________________________________________________________________________

7. Place of alleged violation:
__________________________________________________________________________

8. Basis of Alleged Complaint:
Race/Color: Specify
Sex: Male Female
Age: Date of Birth:
National Origin: Specify
Disability:
Christian: Specify
Sexual Harassment
Sexual Orientation
Gender Identity or Expression
Unlawful Questions (arrest
record, criminal conviction, or
other)
Retaliation

9. Nature of Change:
Refusal to Hire
Compensation (unequal pay)
Job Classification
Discharge/Termination
Denial of Promotion
Unequal Access to Training
Demotion
Qualifications/testing bias
Layoff
Recall
Seniority
Intimidation/Reprisal
Harassment
Maternity
Discriminatory Treatment/Work
Environment
Failed to Provide Reasonable
Accommodation (ADA)

Case Number
COMPLAINT INFORMATION FORM

10. Explain briefly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining you your case.


11. What harm, if any, was caused to you as a result of that action?


12. Have you brought this complaint to anyone else’s attention?


13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.


14. Please provide the name of a person not living with you, who would know how to contact you:

Name:_________________ Telephone:_________________

Address:___________________________


Complainant Signature Date Interviewing Officer

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Exhibit G

Retaliation or Coercion Statement
RETAIATION OR COERCION STATEMENT

An employee or agent of State Government who shall discriminate against an individual through the use of retaliation, coercion, intimidation, threats or other such action because such individual has filed a complaint, testified or participated in any way in any investigation proceeding or hearing regarding discrimination in employment or public service or because such individual has opposed any act made unlawful under the Americans with Disabilities Act (ADA) or Rhode Island Fair Employment Practices Act or any rules and regulations issued pursuant to either, shall be subject to disciplinary action. Said action may include suspension from employment or dismissal where the discrimination is found to be willful or repeated.
Exhibit H

Exit Interview Procedures
Exit Interview Form

Employee Name:          Hire Date:
Job Title:              Termination Date:
Name of Supervisor:     Department:
Reason for leaving the College:

What did you like best and least about your job, your department, and CCCI?

Was the supervision you received satisfactory? If not, please explain.

Were you informed of changes in CCCI's policies and practices? Were you informed of upcoming college activities? Can you suggest any ways that communications might be improved?

Was your compensation satisfactory for the work that you were performing? If not, please explain.

Do you feel you received adequate training, professional development to do your job? Were you given the opportunity to train for job advancement?

Did you have any problems or concerns with the benefits that were offered?
Were the working condition and services, such as equipment, lighting, restrooms etc. satisfactory? If not, please explain.

What factors lead most to your decision to leave CCR1?

Do you have any issues/concerns that Human Resources or the executive staff should be aware of?

Do you have any concerns about unethical, illegal activity or discriminatory behavior?

What are your plans after leaving CCR1?

What can CCR1 do to improve the College and make it a better place to work?

Additional comments:
OFFICE OF DIVERSITY, EQUITY AND OPPORTUNITY
State Equal Opportunity Office
CONFIDENTIAL EXIT SURVEY INQUIRY

All information obtained from this inquiry will be handled in a confidential manner and will not be divulged to supervisors, co-workers, or anyone inside or outside the agency. The information will be used as a tool for change and improvements and will not be made part of your personnel record and will not be used to respond to reference checks by future employers. We ask that you be as honest and fair as possible. Please complete and return to the State Equal Opportunity Office, One Capitol Hill, Providence, RI 02908. Thank you.

Name ____________________________________________  Job Title ________________________________
Address ____________________________________________
__________________________________________________
Telephone ____________________________________________
Date Hired ____________________________________________

(Please check for Equal Opportunity Purposes Only)
Female □ White □ Asian Amer./Pacific Islander □ Hispanic □
Male □ Black □ Amer. Indian/AK Native □ Disabled □

What is your main reason for leaving?
____________________________________________________________________________________

What did you like best about your job?
____________________________________________________________________________________

What did you dislike about your job?
____________________________________________________________________________________

Did you find your employment worthwhile in terms of personal growth and achievement?
____________________________________________________________________________________

Do you feel career opportunities were adequately afforded to you?
____________________________________________________________________________________

Did you feel free to go to your supervisor to discuss problems about your job?
____________________________________________________________________________________

(Rev. 07/02)
Was your supervisor effective in handling problems or complaints?

Was the Leave of Absence Procedure clearly explained to you?

Did you receive fair treatment while employed?

Would you seek employment with the State of Rhode Island at a future date?

Do you feel you were discriminated against?

INTERVIEWING OFFICER  
DATE

COMMENTS:
Exhibit I

Equal Opportunity Advisory Committee Guidelines
EQUAL OPPORTUNITY ADVISORY COMMITTEE
GUIDELINES

MISSION:

To provide two-way communication and suggestions on various aspects of the equal opportunity program to the director in a department or agency in state government.

1. ESTABLISHING THE COMMITTEE:
   A. All employees should be informed of opportunities to serve on the committee.
   B. Agency head appoints the committee from a list of volunteers
   C. Volunteers should include staff from:
      1. Each division of agency
      2. Various job levels
      3. Diverse group of employees, i.e. minorities, women, persons with disabilities, and veterans

2. STRUCTURE:
   A. Terms of membership
   B. Elections of officers
   C. How many members
   D. Alternates
   E. Sub-committees
   F. Meetings
   G. Minutes

3. FUNCTIONS (ROLE):
   A. Advise – not perform
   B. Develop short-term objectives
   C. Identify areas of possible discrimination
   D. Assist the designee of the agency head with preparing the affirmative action plan
   E. Monitor the progress of the action goals and programs, if necessary, make recommendations to improve
   F. Review monthly progress reports
   G. Issue a progress report to agency head quarterly

4. CHAIRPERSON (DUTIES):
   A. Prepare agenda for meeting
   B. Preside over committee meetings
   C. Submit any committee recommendations to the agency head

5. SECRETARY (DUTIES)
   A. Preside over meeting in absence of chairperson
   B. Record minutes of the meeting
   C. Prepare minutes for distribution

6. AGENCY HEAD:
Should make a commitment that all recommendations will be reviewed and acknowledged

7. **EMPLOYEES SHOULD BE INFORMED OF AGENCY POLICY:**
   1. Newsletter
   2. Pay envelopes
   3. Employee handbooks
   4. Copies of the affirmative action plan policy statement of key program elements

8. The state equal opportunity office may issue such guidelines, directives, or instructions as necessary to carry out Rhode Island General Laws § 28-5.1.

For additional guidance and/or technical assistance, contact:

Cheryl A. Burrell, Associate Director
Department of Administration
Office of Diversity, Equity and Opportunity
One Capitol Hill
Providence, RI 02908
TEL # (401) 222-6397
Rhode Island Relay: 711
FAX # (401) 222-1453
Email: Cheryl.Burrell@doa.ri.gov
Exhibit J

List of State Enforcement Agencies
ENFORCEMENT AGENCIES

Department of Administration
Office of Diversity, Equity and Opportunity State Equal Opportunity Office One Capitol Hill
Providence, RI 02908
TEL # (401) 222-3090 FAX # (401) 222-2490

RI Commission for Human Rights
180 Westminster St. Ste. 3 Providence, RI 02903-1918 TEL # (401) 222-2651/ Voice TDD # (401) 222-2664
FAX # (401) 222-2616

U.S. Equal Employment Opportunity Commission
1801 L Street NW Washington, D.C. 20507 TEL # (202) 663-4900/ Voice TDD # (800) 800-3302
TDD # (202) 663-4494 (for all Area Codes)

Department of Justice
Office of the Americans with Disabilities Act Civil Rights Division P.O. Box 66118 Washington,
D.C. 20035-6118
TEL # (202) 514-0301/ Voice TDD # (202) 514-0381 # (202) 514-6193 (Electronic Bulletin Board)