

## **EQUAL EMPLOYMENT OPPORTUNITY**

Randolph College is an *equal opportunity employer*. We do not discriminate or allow discrimination on the basis of race, color, creed, national or ethnic origin, sex, age, disability, veteran status, religious beliefs, political beliefs, sexual orientation or any other classification protected by applicable law.

Although Randolph College is an exempt institution with regard to undergraduate admissions under Section 86.15(d) of the regulations effectuating Title IX of the Education Amendments of 1972, as amended by Public Law 93-568 and published in the Federal Register of June 4, 1975, it is the College's intention to adhere to the letter and spirit of the law with a policy of non-discrimination on the basis of sex in all other aspects of its educational program and activities, including employment.

We require that all of our employees, supervisors, and managers understand and practice equal employment opportunity. Acts of discrimination, including illegal harassment, will not be tolerated. We will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship on the College.

We require that all employees lend their support to achieving our objectives of equal opportunity employment and of zero tolerance for any type of illegal harassment or discrimination. Any violation of this Equal Employment Opportunity Policy, including its prohibitions on harassment, will be dealt with severely. Any employee, including any manager or supervisor, who engages in such violation will be subject to appropriate disciplinary action up to and including discharge.

The Human Resources office has overall responsibility for this policy and maintains reporting and monitoring procedures. Inquiries or complaints should be directed to the Director of Human Resources, Randolph College, 2500 Rivermont Avenue, Lynchburg, Virginia 24503. Telephone (434) 947-8114.

## **POLICY PROHIBITING HARASSMENT (INCLUDING SEXUAL HARASSMENT)**

All College employees deserve to be treated with dignity and respect. The College is therefore committed to providing a work environment free from harassment, intimidation and coercion based on or related to race, gender, religion, national origin, sexual orientation, age, disability, or any other classification protected by applicable law. Such behavior is inconsistent with our philosophy of mutual respect for all employees and will not be tolerated.

Illegal and improper harassment may include, for example:

- Offensive or abusive physical contact;
- Use of offensive nicknames or terms of endearment;
- Unwelcome comments about a person's clothing, body, or personal life;
- Offensive jokes or unwelcome innuendo;
- Any suggestion that sexual activities, race, gender, religion, national origin, age, disability, or any other protected classification would affect one's job, promotion, performance evaluation, or working conditions; or
- Other conduct referring to race, gender, religion, etc., even if not objectionable to some employees, if it creates a working environment that others may reasonably find hostile or offensive.

Sexual harassment, in particular, may consist of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when one or more of the following occur:

- Submission or rejection of such conduct is made a term or condition of an individual's employment;
- Submission or rejection of such conduct is used for the basis for an employment decision, such as promotion, demotion, termination, or pay; or
- Such condition interferes with an employee's work performance or creates a hostile, intimidating, or offensive work environment.

## **COMPLAINT PROCEDURE**

If you believe you are the victim of illegal harassment or other illegal discrimination, or witness what you believe to be illegal harassment or discrimination, you should use the following procedure:

If you believe you are being harassed or subjected to discrimination or believe you have witnessed such behavior and you are comfortable in speaking to the offending employee, you are encouraged to speak to that individual about his or her conduct and explain that you do not like it. The offensive conduct may have been thoughtless or based on a mistaken belief that it was welcome.

If you believe you have been harassed or subjected to discrimination or have witnessed such behavior and you are uncomfortable approaching the offender, or have done so without success, or simply want the College to know, you should report such facts immediately to your supervisor so that the College can take appropriate action.

If for any reason you are uncomfortable approaching your supervisor (for example, if your supervisor is the person you feel is engaging in illegal harassment or discrimination), or you feel that the matter is not being adequately addressed, you should bring the matter to the attention of the next level of management or to human resources or personnel as soon as possible, preferably within forty-eight hours.

In any event, respond immediately; do not ignore the problem. It is important to inform the College immediately if you experience or observe illegal discrimination or harassment. Nothing can be done to remedy a problem if the College does not know it exists. If a complaint is made, the College will conduct an investigation and take appropriate action. Confidentiality will be maintained to the extent possible without jeopardizing a full investigation. No employee will be disciplined or otherwise retaliated against for complaining about discrimination or harassment.

Employees should also use this procedure in regard to any work-related harassment or discrimination by non-employees. The College cannot always control the conduct of all non-employees, but will attempt to address any such situations that arise, consistent with the intent of this policy.

## **CONSENSUAL RELATIONS**

As a matter of sound judgment and professional ethics, faculty and staff members are strongly cautioned against entering a romantic or sexual relationship with any student. Not only is such a relationship unethical, but it also places the faculty or staff member as well as the College in a vulnerable position with respect to a sexual harassment claim. The potential for a claim of sexual harassment is greater in a relationship between persons of unequal status and power, such as in a relationship between a faculty or staff member and student with whom she or he has a supervisory relationship. Voluntary consent by a student in such a relationship, even if present, is always suspect given the fundamentally unequal nature of status and power in the relationship. Supervisory relations include grading, advising, coaching, disciplining, or supervising the employment of a student; approving or recommending a petition or application made by a student; or making or enforcing a policy that directly affects a student. If found guilty of a sexual harassment complaint, a faculty or staff member who is or was involved in such a relationship is subject to disciplinary measures, up to and including termination.

The fact that a student has consented to a romantic or sexual relationship with a faculty or staff member does not protect that faculty or staff member, or the College, from the filing of a sexual harassment complaint by the student. Faculty and staff should note that the College may act as a complainant for the purpose of fulfilling its duty to maintain appropriate vigilance against sexual harassment.

Employees of the College are hereby advised that a romantic or sexual relationship with an employee whom they supervise may be found to present a conflict of interest. The fact that an employee has consented to a romantic or sexual relationship with her or his supervisor does not protect that supervisor, or the College, from the filing of a sexual

harassment complaint by the employee. Employees are also advised that the College may act as a complainant for the purpose of fulfilling its duty to maintain appropriate vigilance against sexual harassment.

Faculty and staff in a romantic or sexual relationship with a student or employee with whom they have a supervisory relationship face the risk under federal law of personal responsibility in terms of both litigation defense and liability exposure.

## **Americans with Disabilities Act (ADA) Policy**

Randolph College is committed to complying fully with the Americans with Disabilities Act (“ADA”), as well as applicable state and local laws to ensure equal opportunity in employment for qualified persons with disabilities. All employment practices, decisions, and activities are conducted on a non-discriminatory basis.

The College continually reviews its hiring practices, as well as its available jobs and promotional opportunities, to ensure that persons with disabilities have equal access to meaningful employment opportunities. Hiring and selection decisions are made based on an individual’s ability to perform the essential duties and functions of the job.

The College will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship on the College. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job, or to access to an employment benefit, should contact the Human Resources Department. An employee requesting a reasonable accommodation will be asked to complete a *Reasonable Accommodation Request Form*.

Randolph College encourages individuals with disabilities to come forward and request reasonable accommodations at any point in an employee’s employment, if such an accommodation is needed to perform the essential functions of the job or to access an employment benefit.

Upon receipt of an accommodation request, a member of the Human Resources Department will meet with the employee to discuss and identify the limitations resulting from the disability, and the potential accommodation(s) that the College might make to overcome those limitations. If necessary to verify the nature of the disability or identify appropriate accommodations, relevant information or documentation may be required from the employee’s health care provider(s).

The College will determine the feasibility of the requested accommodation by considering various factors, including but not limited to, the nature and cost of the accommodation, available financial resources, and the accommodation’s impact upon the operation of the College.

The College will inform the employee of its decision on the accommodation request.

An employee or job applicant who has questions regarding this policy or who believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

## **HIPAA PRIVACY**

The Randolph College group health plan (the “Medical Plan”) and the flexible spending account plan (the “Flex Plan”) are subject to federal regulations under the Health Insurance Portability and Accountability Act (“HIPAA”) regarding the privacy of an individual’s health information held by the plans. These regulations apply to the group health plan and the flexible spending account plan offered by the College. These regulations do not apply to Randolph College with respect to employment matters or matters other than the group health plan and the flex plan administration, nor do they apply to any other benefit plans sponsored by Randolph College, even though some of those other plans create or receive health information.

In general, the HIPAA privacy regulations establish guidelines for and limits upon the Medical and Flex Plan’s use and disclosure of your individual health information held by the these plans. The two named plans have implemented privacy policies and procedures to ensure the privacy of your health information, as required under the regulations. In addition, Randolph College has amended the plan documents to ensure that employees of Randolph College who received or have access to health information from the Medical Plan or the Flex Plan protect the privacy of that information, as required by the regulations.

The College has prepared a Privacy Notice and Policy that describes the manner in which your health information may be used and disclosed by the Medical Plan and Flex Plan. It also explains your legal rights under the regulations. You may request a copy of the Privacy Notice and Policy by contacting Human Resources. You may also contact the Director of Human Resources if you have a complaint, such as where you feel your privacy rights have been violated.

## **DRUG-FREE WORKPLACE POLICY**

The College requires compliance with both the word and intent of the Drug-Free Workplace Act, and the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), Acts of the Virginia Assembly relating to drug and alcohol use, and Federal, State and Department of Education Regulations implementing such legislation. The Federal Drug-Free Workplace Act of 1988 requires institutions that receive federally-funded grants, including student aid, to undertake certain actions and adopt various procedures relating to the misuse of controlled substances in the workplace.

Employees are subject to disciplinary action up to and including termination for (1) use, possession, sale, dispensation, offering, manufacture or being under the influence of illegal drugs, whether on- or off-duty; (2) use, possession, sale, dispensation, offering,

manufacture, or being under the influence of alcohol on or in College premises, vehicles, worksites, or time (except consumption of alcohol at social or sales events, in moderation, with prior permission); (3) such activities in regard to alcohol off-duty where they adversely affect job performance, job safety, or the College's reputation in the community; and (4) conviction or guilty plea under any criminal drug charge.

The College reserves the right to require an employee to submit urine and/or blood samples for alcohol or drug testing whenever the College suspects that an employee is violating this policy, or that violation of this policy may have contributed to an accident involving injury, fatality, damage to property, or serious risk of the same, as determined by the College in its sole and unfettered discretion.

Employees who test positive for drugs or alcohol will be subject to disciplinary action up to and including termination. Employees may need to explain or document "false positive" results that may be caused by legal activity. Refusal to submit to a drug or alcohol test will be treated as insubordination and a positive result.

Employees who are convicted of or plead guilty to criminal drug charges must notify the College as soon as possible thereafter. Employees who operate a motor vehicle as part of their job duties must also notify the College immediately of any conviction or guilty plea under any charge of driving with or under the influence, reckless driving, or other serious driving offense. The College may consider the pendency or possibility of appeals in determining appropriate discipline.

Testing will be conducted by a laboratory at College expense. Tests will require the collection of urine specimens. Procedures for collecting urine samples will permit individual privacy during the collection process in most cases, consistent with Title 49 of the Code of Federal Regulations. The College expects to use these procedures even though, for most employees, testing will be neither required nor actually regulated by Federal law. The College will maintain the confidentiality of test results, consistent with the implementation of this policy.

A copy of the Drug-Free Workplace Policy is available in the Human Resources Department.

## **IMMIGRATION REFORM AND CONTROL ACT OF 1986**

The Immigration Reform and Control Act of 1986 requires employers to obtain verification of identity and eligibility to work in the United States from every employee.

Under this law, every employee, regardless of national origin, must present certain specified documentation to prove their identity and eligibility to work in this country, i.e., U.S. driver's license, original social security card, or other alternate documents as defined by the Department of Immigration and Naturalization.

Employers are responsible for obtaining documentation from new employees and completing the I-9 form within three days of employment. An employee who cannot supply the proper identification within three days will not be allowed to return to the workplace until such identification is produced and verified by the Director of Human Resources.

### **SMOKING POLICY**

It is the goal of Randolph College to provide a safe learning and working environment for faculty, staff and students. It is recognized that smoke from cigarettes, pipes and cigars is hazardous. Randolph College wants to provide a smoke-free environment and as a result, the College complies with the City of Lynchburg Smoking Ordinance.

Smoking is not permitted on the porches and steps of any entrances/exits in front of any College building or inside any College building.

### **CONFIDENTIALITY POLICY**

All Randolph College records and information relating to College or its customers are confidential and employees must, therefore, treat all matters accordingly. No Randolph College or College-related information, including but not limited to, documents, files, records, computer files, e-mails or similar materials (except in the ordinary course of performing duties on behalf of Randolph College), may be removed, physically or electronically, from Randolph College premises without permission from Randolph College. Additionally, the contents of Randolph College records or information otherwise obtained in regard to business may not be disclosed to anyone, except where related to the College's business. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for revealing information of a confidential nature.