

- What a difference training makes
- Top five EEOC Claims
- Harassment free workplace

INSIDE THIS  
ISSUE:

- Did you know? 2
- How to prevent EEOC Claims 2
- Getting ahead of the curve 3
- Training opportunities 3
- Harassment can happen on your campus 3
- Who are we 4

# The Audit Times

VOLUME 1, ISSUE 11

SEPTEMBER 30, 2011

## Message from the Director

Business continuity is often associated with recovery from disasters such as a fire, a shooting or tornado. Management frequently considers such disasters and develops proactive, preventative steps to mitigate potentials for loss should such events occur. Often, however, a major risk in continuity is overlooked. This is especially true as it relates to personnel. Prepared, high performing personnel are a valued component of operations. It is often believed that compensation packages are adequate motivation for retention. An obvious risk often missed is the potential for loss of valued personnel for any reason.

We have often heard that our greatest resource is our human resources, yet we frequently fail to develop a proactive, preventative plan to mitigate such losses. Proactive efforts towards continuity in personnel performance can take many forms. Succession planning and cross-training gen-

erally top the list, however, another factor that should be considered for continuity is establishment of a work environment that reduces negative stressors



**Together we can achieve much!**

and promotes high performance, attendance, and retention. A positive work environment not only promotes retention but increases productivity. Contrarily, a negative work environment has proven to contribute to losses of time, personnel and dollars. One researcher estimates that the stressful work-

place in the United States results in over \$200 billion dollars in losses annually <http://www.fdu.edu/newspubs/magazine/99su/stress.html>. Unfortunately, higher education is not immune to these phenomena. Many of our losses come as the result of employment related lawsuits and/or perceptions of entitlement and/or alleged mistreatment. This issue of *The Audit Times* focuses on EEOC claims which often result from a negative work environment or the perception of a negative work environment. The cost of these claims can be debilitating to the work environment and to the budget. Information provided in this issue is offered for preventative purposes. Resource links that may help in building a better work environment are included.

**Best Practice:** build a continuity plan that positively addresses our most valued assets, our human resources.

## Top Five EEOC Claims

Discrimination occurs when an employer makes employment decisions based on protected characteristics instead of using evaluation based solely on the employee's qualifications for hiring decisions and job performance after hiring. Both federal and state law prohibits employment discrimination. When in

doubt, contact the Legal and Human Resources Division of the Alabama Department of Postsecondary Education for assistance.

The top five EEOC System claims were:

- Race discrimination

- Retaliation
- Age discrimination
- Disability discrimination
- National Origin discrimination





## Harassment is a form of Employment Discrimination

Prevention  
is the  
“Best”  
practice

## Did You Know?

The financial risks associated with some discrimination claims are high due to the possible damages awarded to the claimant. Depending on how the legal cases are filed, some damage awards have “**no caps**.” Please be mindful that according to the EEOC, charges of discrimination and retaliation are the most common allegation of discrimination. It is important for administrators to be aware that EEOC claims can be filed after a person leaves your employment.

Pursuant to EEOC Guidelines “A charging party who alleges retaliation under Title VII, the ADA, the ADEA, or the EPA need not also allege that he was treated differently because of race, religion, sex, national origin, age, or disability.” Moreover, “the underlying claim of discrimination does not have to be true; the charging party simply needs to have a good faith, reasonable belief that he/she was discriminated against to support a retaliation claim.”

The following links are to

some recent EEOC cases filed against higher education institutions. Hopefully reading these articles can help you identify if inappropriate behavior is present on your campus.

- <http://www.eeoc.gov/eeoc/newsroom/release/9-21-11d.cfm>
- <http://www.eeoc.gov/eeoc/newsroom/release/5-19-11.cfm>
- <http://www.eeoc.gov/eeoc/newsroom/release/8-16-11a.cfm>

## How to Prevent EEOC Claims

Annually, federal and state courts render decisions in cases that impact education at every level.

These rulings elucidate the important established legal principles applicable to federal and state laws. EEOC has compiled many legal principles into useful PDFs and internet documents.



The links below provide insight to the top EEOC claims filed against System institutions. Additional data can be found on their web site.

- <http://www.eeoc.gov/laws/types/facts-retal.cfm>
- EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors [HTML](#) | [PDF](#)
- Fact Sheet: Race/Color Discrimination [HTML](#) | [PDF](#)
- Fact Sheet: ADA Discrimination [HTML](#) | [PDF](#)
- Fact Sheet: Facts About Discrimination Based on Sexual Orientation, Status as a Parent, Marital Status and Political Affiliation [HTML](#) | [PDF](#)
- Policy Guidance on Current Issues of Sexual Harassment [HTML](#) | [PDF](#)
- <http://www.eeoc.gov/policy/docs/accommodation.html>
- <http://www.eeoc.gov/policy/docs/retal.html>
- Fact Sheet: Pregnancy Discrimination [HTML](#) | [PDF](#)
- Fact Sheet: Religious Discrimination [HTML](#) | [PDF](#)

Prevention is the key to creating an amiable work environment. More information about available training opportunities can be found on page three.



# Getting Ahead of the Curve



Prevention is the best tool for getting ahead of the curve in eliminating harassment in the workplace. Knowing what conduct that is considered offensive also helps mitigate

## Helpful Hint

the risk of EEOC claims. According to the EEOC, a variety of circumstances can be considered as harassment. "Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance."

The EEOC encourages employers to establish policies and procedures to help create a harassment free environment. The following link will help you find out more about how to prevent EEOC claims at your institutions and will provide you with training material.

<http://www.eeoc.gov/laws/types/index.cfm>



## Training

increases awareness and awareness decreases claims

# Training Opportunities

The EEOC has established a Training Institute to provide training opportunities through multiple methods which include conferences, seminars, webinars, on-site courses tailored to meet your needs, and courses that cover general information.

The Training Institute was designed to help employers understand the nuances of the various laws the EEOC is tasked to oversee. The

subject matter experts "have substantial experience, both enforcing the laws and providing high-quality training. The Institute's educational products contain the technical and legal guidance prepared by EEOC's attorneys, administrative judges, investigators, managers and policy experts." Please use the following link to the Training Institute.

<http://www.eeotraining.eeoc.gov/viewpage.aspx?ID=030b9cb8-8e56-433c-a410-cc94ccb64b3a>



# Harassment Can Happen on Your Campus

Most of this newsletter has been focused on EEOC complaints and how to avoid them. One might ask the question: "How do we improve our performance?" Maya Angelou is given credit for the quote: "When you know better, you do better." The articles in this issue may seem too basic for some, but we hope they will help someone *know better*. We are certain that some of the complaints and policy violations experienced are due to deficiencies in information access and/

or training. The Coach's Corner of the U.S. Department of Labor indicates that one of the greatest deterrents to valid EEOC complaints is continuous training of managers and supervisors regarding organizational policies and assuring adherence to those policies. They go on to note that "Supervisors and managers must be schooled in work performance behaviors...." It is our hope that the links to training opportunities, including training in sexual harassment prevention, performance

appraisal and positive discipline for supervisors provided will help our personnel System-wide *do better*. For free supervisory training offered by the State of Alabama, visit the website at: [www.personnel.alabama.gov](http://www.personnel.alabama.gov). Click on employees then on Training Opportunities. Training must be scheduled through DPE Human Resources Division.





#### Division of Internal Audit

##### Audit Staff

Alvena Williams, Director 334-293-4531  
Rosa Spencer, Staff Auditor 334-293-4533  
Angie Thomas, Staff Auditor 334-293-4534

##### Audit Committee

Gary Warren - District Seven, Chair  
Charles Elliott - District Six, Member  
Betty Peters - District Two, Member

**Together we can achieve more!**



## What Services Does Internal Audit Offer?

The Division of Internal Audit provides all segments of the Alabama Community College System, State Board of Education, Chancellor, member institutions and personnel with independent assessment of the quality of the System's internal controls and administrative processes, and provides recommendations and suggestions for continuous improvements.

The Division of Internal Audit serves as a resource to executives and senior management and as an avenue for all ACCS stakeholders to address concerns or complaints relative to conducting business with any ACCS agency or agent.

The Division of Internal Audit::

- Performs audits of the Alabama Community College System institu-



tions and programs

- Serves an independent appraisal activity established to review the fiscal, administrative and operational functions of the system
- Conducts reviews to provide management with timely, accurate and objective information, opinions and recommendations pertaining to sys-

tems, programs, activities, processes and functions to promote efficiency, protect assets to assure compliance with regulations, policies and procedures

- Performs follow-up investigations of complaints of fraud and confidential whistleblower concerns.