### TEACHER STANDARDS AND PRACTICES COMMISSION

# AFFIRMATIVE ACTION PLAN 2013-2015 BIENNIUM



Victoria Chamberlain Executive Director 250 Division St. NE Salem, Oregon 97301

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# VII. Appendix B (*The following legal summaries are not included in budget request.* – *Eliminated 29 pages*)

- A. Age Discrimination in Employment Act of 1967 (ADEA)
- B. Disability Discrimination Title I of the Americans with Disability Act of 1990
- C. Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964
- D. Genetic Discrimination
- E. National Origin Discrimination Title VII of the Civil Rights Act of 1964
- F. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964
- G. Religious Discrimination Title VII of the Civil Rights Act of 1964
- H. Retaliation Title VII of the Civil Agency Affirmative Action Policy
- I. Sex-Based Discrimination Title VII of the Civil Rights Act of 1964
- J. Sexual Harassment Title VII of the Civil Rights Act of 1964

Organizational Chart 2013-2015

### OREGON TEACHER STANDARDS AND PRACTICES COMMISSION

#### I. DESCRIPTON OF AGENCY

### A. Mission and Objectives

*Mission:* To establish, uphold and enforce professional standards of excellence and communicate those standards to the public and educators for the benefit of Oregon's students.

#### Objectives (Goals):

- 1. Establish high standards for educator preparation excellence and regularly review approved programs for delivery of adopted licensure standards.
- 2. Provide leadership for professional licensure standards including standards for: cultural inclusion; educator dispositions; subject-matter competency.
- 3. To provide timely high quality services to licensees, higher education, and the public.
- 4. Maintain and develop clear, concise and easy to understand administrative rules.
- 5. Establish high standards for educator professional conduct and regularly communicate those standards to the field.

### B. Name of Agency Director/Administrator (and address)

Victoria Bianes Chamberlain 250 Division St. NE Salem, OR 97301

### C. Name of Governor's Policy Advisor for your agency (and phone number)

Ben Cannon (503) 378-3072

### D. Name of Affirmative Action Representative (and phone number)

Keith Menk, Deputy Director (503) 378-3757

### E. Name of Diversity and Inclusion Officer

N/A

### E. Organizational Chart (attached in Appendix)

#### II. AFFIRMATIVE ACTION PLAN

#### A. Agency EEO/AA Policy Statement

It is the policy of the Teacher Standards and Practices Commission that no person be subjected to discrimination on the basis of race, national origin, religion, sex, age, disability, familial status, marital status or sexual orientation in any program, service or activity for which the Commission is responsible. The Commission will comply with the requirements of state and federal law concerning nondiscrimination and will strive by its actions to enhance the dignity and worth of all persons.

#### 1. Enforcement

The affirmative action plan is enforced by the Commission in the evaluation of the Executive Director and the Executive Director's evaluation of managers and key staff. The criteria for performance evaluation does include evaluation of support for affirmative action, results in achieving agency goals and promotion of harassment free work environment.

If a complaint is filed, the Deputy Director (Human Resource Manager, Affirmative Action Representative) is charged with investigation of complaints. The Deputy Director is responsible for adherence to acceptable, nondiscriminatory investigative procedures and practices to ensure fair and objective investigation of complaints.

The Executive Director has set clear expectations that all managers and employees are responsible for implementation of the Affirmative Action Plan. These expectations are communicated to managers and employees via staff meeting, instructions to selection teams and in performance evaluations.

The agency publishes the Affirmative Action Plan through the Commission meeting process and on the agency website. This distributes the report and plan to all stakeholders, employees, and the general public. All employees have access to email and the Affirmative Action report. The Executive Director establishes the Affirmative Action plan as an agenda item to be reviewed and discussed in an open public meeting.

Managers and supervisors are held accountable for any claims of discrimination and harassment through the performance evaluation process. The Executive Director is held accountable by the Commission who annually requests survey input from employees on the performance of the Executive Director.

#### **B.** Agency Diversity and Inclusion Statement:

Definitions of "Diversity" and "Inclusion"

**Definition of Diversity:** Throughout this document, we define workforce diversity as a collection of individual attributes that together help agencies pursue organizational objectives efficiently and effectively. These include, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures. The concept also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences.

**Definition of Inclusion:** We define inclusion as a culture that connects each employee to the organization; encourages collaboration, flexibility, and fairness; and leverages diversity throughout the organization so that all individuals are able to participate and contribute to their full potential.

### Teacher Standards and Practices Commission Diversity and Inclusion Statement

Be the state's model employer by leveraging diversity and fostering inclusion to deliver the best public service, by recruiting, retaining, and developing a diverse, high-performing workforce that draws from all segments of society and values fairness, diversity and inclusion. Additionally, leadership, accountability, measurement, and training are essential and components of the following three diversity and inclusion goals:

- 1. Workforce Diversity. Recruit from a diverse, qualified group of potential applicants to secure a high-performing workforce drawn from all segments of American society;
- 2. Workplace Inclusion. Cultivate a culture that encourages collaboration, flexibility, and fairness to enable individuals to contribute to their full potential and further retention; and
- 3. Sustainability. Develop structures and strategies to equip leaders with the ability to manage diversity, be accountable, measure results, refine approaches on the basis of such data, and institutionalize a culture of inclusion.

### C. Training, Education and Development Plan (TEDP)

1. Employees: TSPC routinely provides training to staff and Commission members. The TSPC safety and wellness committee plans quarterly training available to all employees. Recent trainings sponsored by the safety committee have included first aid and CPR and wellness. In addition, the agency has supported cross-training between employees at all levels, giving the agency the ability to respond to various demands upon the system. TSPC has supported employees to attend the Willamette University Diversity Conference and Conversations for Equity in Education (CFEE) workshops. TSPC has also supported supervisory training for managers. Annually, managers are encouraged to participate in the cultural competency training, conferences or planning meetings, often conducted in cooperation with stakeholders.

TSPS is an agency of only 20 staff members, so no succession plan has been developed. In an agency this small, it is important not to establish a perception of favoritism and preferential treatment. This contributes to the desire not to establish a formal or informal succession plan. Likewise, with limited staffing, career ladders are difficult to establish. All employees have the opportunity to apply for any advancement in the organization. The limited number of positions and the limitations of the state classification system does not afford many opportunities. TSPC has a positive track record of hiring from within, developing staff for promotions, and recruiting and selecting a diverse workforce.

Different units with the agency have regular staff meetings, varying from weekly to as needed. The management team meets biweekly. The agency generally conducts an all staff meeting and retreat annually, focusing on some particular training topic. The Commission also has an annual professional development meeting. This is in addition to the training and orientation provided to new commissioners.

Employees' performance is reviewed annually. Information from commission meetings are posted on the agency website available to employees and the general public. Minutes from the safety and wellness committee are distributed agency wide to individual email accounts. The Commission does review the agency's affirmative action report.

- **2. Volunteers:** The agency does not utilize volunteers as employees. The Commissioners, by appointment, are considered volunteers. As described above, the Commission is an important partner in the implementation, accountability and evaluation of the Affirmative Action Plan. The plan is discussed annually with the Commission and the Executive Director briefs the Executive Board of the Commission quarterly or as needed bases on employee issues. We conduct annual professional development training for commissions and the general public
- **3. Contractors/ Vendors:** TSPC does not contract with outside vendors for services. Outside public and private entities can access the Affirmative Action via the agency's website.

**D.** <u>Programs</u>: TSPC has no internship programs. The agency does not have a Community Outreach program either. TSPC does not have a specific diversity initiative program, with the exception of program and licensure activities. TSPC has been reviewing administrative rules establishing standards for cultural competency for educators and program requirements. The focus has been on creating a culturally competent workforce to ensure equity in the educational setting.

The Affirmative Action Plan is provided to all stakeholders, including higher education institutions, professional associations and the general public and license holders via the agency's website and the annual report to the Commission. The Commission works extensively with stakeholders on issues of diversity, affirmative action and cultural competency in the course of approving programs, establishing standards for educator licensure and in professional standards. TSPC does not have an Internship program and does not plan to implement one at this point due to workload and staffing issues.

TSPC staff does attend several job fairs for educators annually. Staff also attends stakeholder conferences related to diversity and legal issues. TSPC also has a permanent representative on the Government to Government Education cluster working group with the nine recognized tribes of Oregon.

TSPC does not have a Diversity Initiative for employees. TSPC has been providing statewide leadership on establishing standards and assessments for licensed educators on civil rights laws and cultural competency.

- E. Update: Executive Order 08-18
  - 1. <u>Status of Cultural Competency Assessment/Implementation</u>: TSPC has not participated in the Statewide Cultural Competency Assessment and Implementation Services. The agency has no plans at this point to participate in the assessment because the limited number of employees in the agency.
  - 2. <u>Statewide Exit Interview Survey:</u> TSPC has not participated in the Statewide Exit Interview Survey and has no plans at this point to participate in the survey because of the limited number of employees and low turnover rate.
  - 3. **Performance Evaluations of all Management Personnel:** All TSPC managers are evaluated annually by the Executive Director. The Executive Director is evaluated annually by the commission. Affirmative action, diversity and inclusion are elements in all the evaluations.
- F. Status of Contracts to Minority Businesses (ORS 659A.015): TSPC does not have any contracts with any businesses.
  - III. ROLES FOR IMPLEMENTING AFFIRMATIVE ACTION PLAN

### A. Responsibilities and Accountabilities

<u>1.</u> <u>Commissioners:</u> The Commission will assist the Governor in identifying qualified educators and public members who represent the geographic and ethnic diversity of the state and to meet the criteria for appointment established by statute.

Currently, of the seventeen (17) appointed Commissioners, the diversity is: 19% under-represented persons (3); 81% Anglo-European (14); 44% male (8); and 56% female (9). This compares to 2011-2012 as follows: 29% under-represented persons (3); 65% Anglo-European (11); 59% male (10); and 41% female (7).

- **2. Executive Director:** The Executive Director is responsible for implementation of the Equal Employment Opportunity policies and the oversight of adherence to Affirmative Action principles. The Executive Director also oversees the implementation of agency policies which reflect best practices with regard to hiring and workplace cultural inclusion. The Executive Director is a Latina. The Commission establishes the performance expectations for the Executive Director. It is expected the Executive Director make process on meeting the goals of the Affirmative Action Plan and work with stakeholders in creating standards and practices that support equitable treatment in preservice programs and equitable education for Oregon students.
- 3. Agency Staff: The Commission employs a staff of 20 FTE in accordance with the Department of Administrative Service's Human Resource Services Division. The agency interviews qualified applicants who are identified by TSPC recruitment procedures as belonging to an under-represented group. The agency consists of 31% (8) males and 69% (18) females.
  - Demographically, the staff is 5% Pacific Islander; 5% PWD; 5% Native American; 5% Latino and 85% white. The agency has three management service staff members who are 33% male and 33% being Latina (the female Executive Director). One person on staff has an identified disability. Because of the agency's small size, opportunities arise with each vacancy to make a difference. The agency will continue to work toward a more diverse workforce by more active recruitment in the event of staff vacancies.
- 4. Managers and Supervisors: Managers and Supervisors are held responsible for the implementation of the Affirmative Action Plan and compliance with policies and procedures. The Deputy Director is held responsible for the recruitment and selection process. As the Affirmative Action representative, he is responsible for conducting the selection process for new hires. Just in time training is provided to supervisors and staff members involved in the hiring process. This training includes discussion of agency goals related to creating a diverse workforce. All managers and a significant number of employees have been involved in recent selection processes and have actively participated in the maintenance of the plan. The Executive Director holds all managers and supervisors accountable through the performance evaluation process on achievement of the goals of the Affirmative Action plan.

5. Affirmative Action Representative: The Deputy Director (Human Resource Manager, Affirmative Action Representative) plays a key role in the development, implementation and maintenance of the plan. He is involved in all selection processes, including developing selection criteria, training of staff and managers in recruitment and selection of staff, conducting reference checks, investigation of any complaints, and recruitment outreach. The Deputy Director is also responsible for overseeing and assisting the Executive Director in the effective retention practices using the affirmative action policies. As stated previously, the Deputy Director is responsible for conducting affirmative action training and information sessions for management and staff. He is also responsible for investigating, addressing and resolving complaints. Since the agency is small, the Executive Director, Deputy Director and the Leadership team all accept responsibility for creating a welcoming environment for all employees. The management team, along with the Affirmative Action Representative, coordinates an annual staff retreat where goals are decisions for creating a positive work environment for all employees. The Deputy Director (Affirmative Action Representative) is considered top management because of the size of the agency. He is held accountable for affirmative action results by the Executive Director in on-going discussions and during the annual performance evaluation.

TSPC has one Spanish-bilingual individual as a way to better serve the public. This individual have been an enormous help recently with new educators seeking information from the Commission. The Deputy Director is an expert in cultural competency and civil rights training. We believe that we also must develop the cultural competency skills of the existing staff. Training in this area is an agency commitment over the next biennium.

**Workplace:** The agency is committed to maintaining a workplace that is harassment free and culturally inclusive.

#### IV. JULY 1, 2010-JUNE 30, 2012

#### A. Accomplishments for the 2010-2012 Biennium

The agency's Employee Handbook which addresses affirmative action and equal employment opportunity issues was updated. The agency encourages employees to attend professional development related to cultural inclusion. At least three employees participated in workshops or other training opportunities. One recent commission staff member is a faculty member in the Oregon CFEE (Center for Equitable and Effective Leadership) which delivers a week long seminar to educators (administrators, teachers and higher education faculty) on issues of white privilege and cultural competency. [See:

http://www.lclark.edu/graduate/community\_engagement/school\_transformation/equitable\_and\_effective\_leadership/]

Beginning September 1, 2009, the commission requires a "Protecting Student and Civil Rights in the Educational Environment" test for all new licensees. This test covers: state and federal civil rights; equity in the educational environment; and professional standards of conducts (ethics). It is the first of its kind in the nation.

Additionally, we continue to be active in working with local Oregon Indian Tribes on issues related to education, licensure and language saving measures through participate in the Government-to-Government education cluster meetings.

TSPC also works closely with the Oregon Association of Latino Administrators (OALA) and the Oregon Leadership Network (OLN). The agency executive director and deputy director are active with the OLN's equity leadership development activities and we are working actively with ODE to create culturally inclusive evaluation tools for school district and school building administrative leadership.

TSPC continues to work closely with higher education to increase the culturally inclusive standards for both educators and teachers being prepared for education licensure in Oregon (teachers, administrators, school counselors and school psychologists). The proposed rules were considered and adopted by the commission at the November 2011 meeting.

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### B. Progress made or lost since previous biennium

The agency has not made progress in the hiring of a diverse workforce. Demographically, the staff is 5% Pacific Islander; 5% PWD; 5% Native American; 5% Latino and 85% white. The agency has three management service staff members who are 33% male and 33% being Latina (the female Executive Director). During the past year the agency needed to reduce the workforce by four positions. This resulted in three individuals, two with a recognized disability and one person of color to leave the agency. The agency does not have a written retention strategy, but attempt to retain all employees because of the cost of training and commitment to quality customer service. The management team continually discusses the most important aspect of retention of employees is creating a positive work environment, through good training programs, transparency on management decisions, focus on quality customer service and a supportive structure. This approach is becoming one of the strengths of the agency. Another strength is the commitment to quality equitable education for all students and what that means for the agency.

### V. JULY 1, 2013-JUNE 30, 2015

### A. Goals for your Affirmative Action Plan

### Goals for the 2013-2015 biennium:

- 1. Complete the work on developing and implementing cultural competency and cultural inclusion standards for all educators;
- 2. Review programs for implementation of cultural competency standards into all education preparation areas: teaching; administration; school counseling and school psychology;
- 3. Continue to recruit diverse staff into agency vacancies, including promotion of diverse staff;
- 4. Examine whether the ethics standards adequately address issues arising out of racism, harassment and discrimination;
- 5. Continue work with higher education to implement cultural competency standards into educator preparation programs; and
- 6. Continue work on agency staff cultural awareness.
- 7. Continue the evaluation of management on the achievement of affirmative action goals established by the agency.

### B. Strategies and time lines for achieving your goals

- 1. The agency is meeting regularly with higher education and redrafting administrative rules to accommodate the new preparation standards;
- 2. The agency is vigorously pursuing equal opportunities for vacancy candidates;
- 3. The agency is reviewing its content standards tests that appear to have a visible adverse impact on under-represented education candidates and contracting with a testing company that creates test with a significantly lower adverse impact;
- 4. Continue the promotion of cultural competency development of staff through professional development;
- 5. Continue to involve staff in the achievement of goals by inclusion in the selection process for vacancies;
- 6. Continue to involve staff in the development of staff activities in the creating a "positive work environment" through team work and trainings.

### Discussion of Current vs. Baseline Analysis for Parity

The G52E306U.CSV report indicates that TSPC is under-represented in the administrative support area by 1.3% with POC, and 1.4% with women in the investigative and compliance category. While TSPC has diverse representation in the administrative support and investigative employment categories, it is recognized emphasis will be placed on unrepresented areas as vacancies arise. In all other areas we meet the required goals. TSPC has recently hired a woman in the investigative and compliance category.

# VI. Appendix A

### A. Agency's Policy Documentation

### 1. Agency Reasonable Accommodation Policy and Complaint Procedure Statement

**Policy:** The TSPC identified the following goals to develop and maintain a representative workforce:

- 1. Include appropriate representation of females, under-represented populations, and persons with disabilities in all job classifications. Make modifications and accommodations that enable employees with disabilities to receive equal benefits and privileges afforded other employees.
- 2. Provide equal employment opportunity for all applicants.
- 3. Represent the ethnic and geographic diversity of the state as well as the educational positions and publics which have an interest in the Commission's actions.

#### **Procedure:**

**Step 1:** Any person who requires a reasonable accommodation and believes they have been unfairly denied such accommodation may submit a complaint to the supervisor of the person making the decision to deny or to the Executive Director. This complaint must be submitted in writing and contain the name and address of the person filing the complaint and briefly describe the event.

**Step 2:** The supervisor along with the Deputy Director will review the complaint, request for accommodation, reason for denial and will make a decision to uphold or overturn the decision. The supervisor will make a decision within five working days of receiving the complaint.

**Step 3:** If the person filing the complaint is not satisfied with the decision of the supervisor, the person filing the complaint may submit their complaint to the Executive Director who will make a decision to uphold or overturn the decision. The Executive Director may elect to delegate this responsibility to the Deputy Director. The Executive Director or designee will make a decision within five working days of receiving the complaint.

**Step 4:** If the person filing the complaint is not satisfied with the decision of the Executive Director, the person may submit his or her complaint to the Bureau of Labor and Industries or the US Equal Employment Opportunity Commission. Contact information will be provided by the Executive Director.

**Retaliation**-Absolutely no retaliation or adverse action in any form shall be taken against a client or applicant for employment because he/she has filed a complaint alleging unfair denial of reasonable accommodation. It is unacceptable and unlawful conduct for an agency employee to retaliate against a complainant in any manner because he/she had filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing conducted in accordance with these procedures.

# 2. Agency Harassment Policy and Complaint Procedure

<u>Policy</u>: Harassment or discrimination of any employee, visitor, vendor, or customer of TSPC, <u>will not be tolerated</u>. Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive work environment. It may be sexual, racial, religious or based on a person's age, disability, national origin or status as a member of any protected class.

You should immediately notify your supervisor if you believe you have been harassed. If you are uncomfortable speaking to your supervisor about the harassment you may notify any manager with whom you feel comfortable speaking.

- Sexual harassment includes any sexual advances, request for sexual favors, and other unwelcome verbal, or physical conduct of a sexual nature.
- Sexual harassment, and any other type of harassment includes:
  - (A) Submission to such conduct is made either explicitly, or implicitly a term or condition of an individual's employment; or
  - (B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting working environment.
- 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

TSPC will not tolerate retaliation of any kind against employees, based upon their allegations regarding discrimination or harassment. If employees or supervisors engage in harassment or discrimination, they may be subject to immediate discipline, including possible termination.

Sexual harassment complaints should be made with accuracy and veracity.

### **Procedure:**

**For discrimination:** Anyone who is subject to, or aware of, what he or she believes to be employment-related discrimination may file a complaint with his or her immediate supervisor, another manager, or with the Executive Director. The complaint should be written unless the complainant, due to disability, is unable to file a written complaint. The complaint should be filed with the agency within 30 calendar days of the alleged act. Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee desires.

**For harassment:** Anyone who is subject to or is aware of harassing behavior should report that information immediately to agency management. If at all possible, the report should be made before the behavior becomes severe. The report may be made orally or in writing to the employee's immediate supervisor or to any other management staff member. If the employee prefers, the report may be given to a manager outside that complainant's work unit or to the Executive Director. All supervisors and managers will report complaints and incidents immediately to the Executive Director.

<u>Investigation</u>: The recipient of a discrimination or harassment complaint shall promptly forward it to the Executive Director, who will coordinate, or delegate responsibility for coordinating, the department's investigation in consultation with the affected employees' supervisor, excluding any supervisor who is potentially part of the problem. The complaint will be given prompt and thorough attention with an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken. The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken. All personnel can be assured that complaints will be taken seriously and will be investigated as necessary. They will be dealt with in a discrete and confidential manner to the extent possible.

Nothing in this process precludes any person from filing a formal grievance in accordance with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). Timelines for filing complaints with BOLI and the EEOC are different from those established in this policy. Contact them directly for specific guidance on filing a formal grievance with them.

### 3. Employee and Training Policy

TSPC does not have an established training policy, but does budget for staff development during each budget cycle. TSPC does promote staff training and development and provides support to employee by flexing time, reimbursement for coursework directly related to their current assignment, and sponsorship at conference and trainings events.

### 4. Veterans Preference in Employment

TSPC supports employment of veterans. TSPC is a small agency and currently has no employees in active or reserved military status.

### 5. Other documentation in support of its affirmative action plan

TSPC has no other documentation to provide in support of its affirmative action plan.

# VII. Appendix B

U.S. Equal Employment Opportunity Commission Legal Summaries not included. (Eliminated 29 pages)