Global Policy Language

With respect to the treatment of staff, the Executive Director will not cause or allow conditions that are unfair, undignified, disorganized, or unclear.

Interpretation
The Executive Office will undergo an annual audit by a human resources (HR) consulting firm. The HR audit report will be reviewed, and any necessary updates incorporated into AIR staff policies or processes.

Evidence
The last audit was conducted in late fall of 2019 and the findings are summarized below. The disruption and financial uncertainties caused by the coronavirus pandemic delayed the next HR audit, but it is now scheduled to begin in mid-February and will again be conducted by Linda Barineau of HR Solutions LLC.

The 2019 audit was conducted by AIR’s HR consultant, Linda Barineau and included a review of employment recordkeeping, personnel files, operational policies, practices and processes, compliance, and general best practices. The audit’s summary findings stated, “Generally speaking, AIR is a respectful and considerate employer and corporate citizen. It is clear that the organization is keenly focused on fostering a positive employment culture while running an efficient and effective organization.” Several specific suggestions were reviewed and incorporated into AIR practices and policies in early 2020.

A. Policy Language
The Executive Director will not ... Operate without sufficient, written personnel rules.

Interpretation
The Executive Director will ensure that personnel rules are clearly written as employment policies within an AIR Employee Handbook, and the handbook will be judged as sufficient and valid by legal counsel and/or a HR consultant every 2-3 years.
Evidence
A comprehensive review of the AIR Employee Handbook by a human resource consultant was completed in 2017, and a revised version implemented in January of 2018. Plans for the next comprehensive review in 2020 were postponed due to resource constraints caused by the coronavirus pandemic. However, it continues to be important source of guidance and is updated by the Executive Director as appropriate, with the input of AIR’s human resources consultant. In addition, the employee handbook was part of the HR audit in late 2019 and was described as “extremely thorough.” It will be reviewed as part of the HR audit in 2021 with a particular focus on health safety policies, and a full review is planned for 2022.

A-1. Policy Language
The Executive Director will not: 1) Subject staff to rules that are not clear and available

Interpretation
a) All employees will be aware of the Employee Handbook and its location for easy access, reference, and use.
b) The Employee Handbook will be judged as clear by legal counsel and/or a HR consultant.

Evidence
a) The Employee Handbook is readily available on the staff intranet. Employees are notified when policies change, such as the change in benefits in August of 2020.
b) The employee handbook was part of the HR audit in late 2019 and was described as “extremely thorough.” It will be reviewed as part of the HR audit in 2021 with a particular focus on health safety policies.

A-2. Policy Language
The Executive Director will not: 2) Leave staff without an effective and unbiased method to deal with grievances

Interpretation
The Employee Handbook will contain complaint procedures that are judged as complete and valid by legal counsel and/or a certified HR consultant.

Evidence
A review of AIR’s grievance process by AIR’s HR consultant as part of the 2019 audit found, “It is clear that AIR intends to provide a safe route for employees to express concerns, including the contact information for the corporate law firm.” (The complaint procedures are provided in the Exhibit.) Note that the outside contact was changed from AIR’s attorney to the current HR consultant (Linda Barineau) in January 2020 because of her experience and expertise in employment matters.
A-3. Policy Language

The Executive Director will not: 3) Subject staff to wrongful conditions, nepotism, or preferential treatment based on personal reasons

Interpretation

a) AIR’s employment policies, standards of conduct, wage and salary policies, and available benefits and services will be clearly stated within the Employee Handbook. All staff members, including the Executive Director, will annually commit to abide by the policies.

b) AIR employment benefits are available to all full-time staff and eligible part-time staff without regard to age, background, or individual circumstances.

c) AIR staff will have the opportunity to provide anonymous feedback on employment policies and practices at least once every three years.

Evidence

a) Staff, including the Executive Director, signed an acknowledgement in January 2021 that they had read, understood, and agreed to follow the policies in the Employment Handbook. (One individual will update her acknowledgement statement when she returns from maternity leave. She signed the acknowledgement in 2020.)

b) The Employee Handbook outlines the benefits available for full-time and eligible part-time staff in a clear and transparent manner.

c) The results of the employee climate/culture survey (administered by the Krizner Group in 2018) for the “Policies and Procedures” grouping of questions was an average of 6.13 out of 7.0, indicating that employees who responded to the survey were generally satisfied with the organization’s policies and procedures. Plans for the next survey are in discussion.

B. Policy Language

The Executive Director will not: Retaliate against any staff member for non-disruptive expression of dissent.

Interpretation

a) The policies described in the Employee Handbook will reinforce a staff member’s ability (and obligation) to speak out without fear of retaliation in cases of safety violations and unlawful actions.

b) The process for an employee to file a complaint against the Executive Director will be clearly outlined in the Employee Handbook and all staff will be aware of the process and the circumstances for its use.

Evidence

a) The Employee Handbook includes references to an employee’s ability to dissent without retaliation in cases of safety violations and unlawful actions by the Executive Director. (See Appendix)
b) The Employee Handbook includes multiple references to a multi-tiered complaint procedure, including specific options in the event the Executive Director is engaging in inappropriate or unlawful behavior. This multi-tiered complaint protocol reflects HR good practices and ensures that AIR staff have a reporting mechanism that does not include the Executive Director for expressing concerns. (See Appendix)

C. Policy Language

The Executive Director will not: Allow staff to be unprepared to deal with emergency situations.

Interpretation 1
The Tallahassee physical office space and safety protocols will conform to recommended practices for fire safety and weather emergencies that may occur during business hours.

Evidence 1
- The local fire marshal checked all lighting and fire extinguishers at the Piedmont office and found all to be compliant with fire safety standards.
- The staff located in Tallahassee participated in fire safety training after the office relocated from Centre Pointe to Piedmont. Although all staff continue to work remotely due to the coronavirus pandemic, Tallahassee staff occasionally come into the office to access files or equipment.

Interpretation 2
Policies and procedures will be outlined in the Employee Handbook and shared with staff for use in circumstances (e.g., hurricanes or power outages) that affect Association operations and may occur outside of regular business hours.

Evidence 2
The Employee Handbook includes two related policies. One policy “Inclement Weather/Emergency Closing” outlines the situations in which the physical office in Tallahassee will be closed. The second policy “Emergency Notifications” describes the communication plan and tools for notifying all staff. When possible, staff are reminded of the procedures when an event is predicted.

Interpretation 3
The management chain of command will be reviewed and discussed with all staff in the event the Executive Director/CEO is unavailable or unable to perform her duties.

Evidence 3
All staff received and signed a statement outlining the chain of command should the Executive Director/CEO be unavailable or unable to perform her duties in October of 2020. Additional information is provided in the monitoring report for EL VII. Emergency Executive Director/CEO Succession.
D. Policy Language

The Executive Director will not: Discriminate in employment opportunities or practices because of age, mental or physical disability, genetic information, ethnic or national origin, race, color, religion, sex, sexual orientation, gender identity, transgender, marital status, pregnancy, veteran status, or any other protected classifications.

Interpretations

a) The process for screening applicants and selecting candidates for employment interviews will reflect non-discriminatory good practices.

b) Any employee may request accommodations because of religious beliefs or practices, including alternative holiday schedules.

c) All employees (including the Executive Director) will sign a statement indicating they have read and understand the AIR policies prohibiting discrimination, harassment, and sexual harassment as well as the formal complaint procedure for reporting any violation of the policies.

d) Opportunities will be provided for employee education and training on discrimination, harassment, and sexual harassment to facilitate a welcoming and respectful work environment.

Evidence

a) While the current hiring process reflect elements of good practice, the 2019 HR audit findings recommended additional standardization and documentation to mitigate any discriminatory hiring practice allegations. The recommendations were added to AIR’s hiring guidelines; however, they have not been utilized due to the ongoing hiring freeze.

b) The Employee Handbook includes a specific policy for requesting an accommodation for religious practices or beliefs as well as information within the “holiday policy” for requesting an alternative holiday schedule.

c) Employees (including the Executive Director) signed a statement in January 2021 indicating they have read and understand the AIR policies prohibiting discrimination, harassment, and sexual harassment as well as the formal complaint procedure for reporting any violation of the policies. The complaint procedure provides specific options in the event the Executive Director is engaging in discriminatory behavior. (One individual will update her acknowledgement statement when she returns from maternity leave. She signed the acknowledgement in 2020.)

d) Staff professional development in 2019 focused on how to productively handle conflict, in part, through greater understanding of individual differences in style and backgrounds. The staff education and training in 2020 covered understanding and avoiding discrimination and harassment, followed by an interactive discussion on building a respectful workplace environment and appreciating diversity. Affordable, virtual options for staff professional development in 2021 are being explored.
E. Policy Language

*The Executive Director will not: Allow inappropriate access to personnel records.*

**Interpretation**

Personnel files will be stored in a locked cabinet in the Tallahassee office with access limited to AIR staff who have a legitimate business interest and to the HR consultant while she is onsite.

**Evidence**

Personnel files are stored in a fire-proof, locked cabinet in a dedicated room in the Tallahassee office. AIR does not have personnel files in electronic format. Only the Operations Coordinator/Executive Assistant and the Executive Director have keys to the cabinet. Each of these individuals has job responsibilities that requires access to personnel records. The HR consultant reviewed the personnel files as part of the 2019 HR audit within the Tallahassee office in a private room and will follow the same protocols in 2021. The results of the 2019 HR audit indicated that “the custody and access practice exercised by AIR appears to be appropriate and sufficient.”
EXHIBIT
EXCERPTS FROM AIR EMPLOYEE HANDBOOK
KEY POLICIES & COMPLAINT PROCEDURES

APPENDIX B:
The Association for Institutional Research
Employee Protection (Whistleblower) Policy

It is the intent of the Association for Institutional Research (AIR) to adhere to all laws and regulations that apply to the Association, and the purpose of this policy is to support the Association’s goal of legal compliance. The commitment of all employees is necessary to achieve compliance with laws and regulations.

If any employee reasonably believes that a policy, practice, or activity of AIR is in violation of law, that employee must file a report, in writing, to the Executive Director. If the Executive Director is not immediately available, the report should be filed with the Deputy Director. If the employee wishes to file a complaint regarding the Executive Director, the employee may alternately file a report, in writing, with the Deputy Director, the Association President, who chairs the AIR Board of Directors, or the Association’s human resources consultant (contact information listed in Appendix F). A report should be submitted as soon as the employee becomes aware of a situation covered by this policy.

AIR will not retaliate against an employee who, in good faith, has made a protest or raised a complaint about a practice of AIR, or of another individual or entity with whom AIR has a business relationship, based on a reasonable belief that the practice is in violation of law. An employee is protected from retaliation only if the alleged unlawful activity, policy, or practice is brought to the attention of the Executive Director (or the Deputy Director, Association President, or the Association’s human resources consultant, if relevant) and the Executive Director (or the Deputy Director, Association President, or the Association’s human resources consultant, if relevant) is provided with reasonable opportunity to investigate and correct the alleged unlawful activity.

If an employee is aware of activity that is illegal and does not inform the Executive Director (or the Deputy Director, Association President, or the Association’s human resources consultant, if relevant) of the situation, the employee may be considered complicit in the illegal activity.

APPENDIX C:
The Association for Institutional Research
Definitions of Discrimination in the Workplace and Complaint Procedure

Definition
Discrimination is an action in favor of or against an individual based on a group, category, or class to which the individual belongs, rather than on individual merit.

According to federal and state laws, it is illegal for an employer to treat a person unequally based on race, gender, ethnicity, age, religion, or disability. Title VII of the Civil Rights Act of 1964 mandates that no person employed by, or seeking employment with, a company that has 15 or more employees can be discriminated against based on any of these factors.

In addition, the AIR Constitution and Bylaws prohibit discrimination in employment opportunities or practices.
because of genetic information, national origin, color, sex, sexual orientation, gender identity, transgender, marital status, pregnancy, and veteran status.

Complaint Procedure
If an employee believes that discrimination is experienced in violation of AIR policies, the situation may be addressed directly and immediately to the person engaging in the alleged inappropriate behavior (Respondent), if possible. If the inappropriate behavior does not cease, or if the employee is unable to address the Respondent, or is uncomfortable doing so, the incident should be reported to the employee’s supervisor.

If the employee’s supervisor is in any way involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with the supervisor, the employee should report the conduct to the Executive Director. If the Executive Director is involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with the Executive Director, the employee should notify the Deputy Director. If both the Executive Director and the Deputy Director are involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with them, or the employee (or the employee’s supervisor) should notify the Association’s human resources consultant (contact information listed in Appendix F).

Any employee who witnesses or becomes aware of possible discrimination involving any employee should promptly notify the Executive Director (or the Deputy Director or the Association’s human resources consultant, if relevant).

Consequences
Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

All reported allegations of discrimination will be handled in a timely and discreet manner. AIR will not retaliate against employees who file complaints of discrimination.

APPENDIX D:
The Association for Institutional Research
Definition of Harassment in the Workplace and Complaint Procedure

Definition
Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. In addition, the AIR Constitution and Bylaws prohibit discrimination in employment opportunities or practices because of genetic information, national origin, color, sex, sexual orientation, gender identity, transgender, marital status, pregnancy, and veteran status.

Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people. 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.

Complaint Procedure
If an employee believes that harassment is experienced in violation of AIR policies, the situation may be addressed directly and immediately to the person engaging in the alleged inappropriate behavior (Respondent), if possible. If the inappropriate behavior does not cease, or if the employee is unable to address the Respondent, or is uncomfortable doing so, the incident should be reported to the employee’s supervisor.

If the employee’s supervisor is in any way involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with the supervisor, the employee should report the conduct to the Executive Director. If the Executive Director is involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with the Executive Director, the employee should notify the Deputy Director. If both the Executive Director and the Deputy Director are involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with them, or the employee (or the employee’s supervisor) should notify the Association’s human resources consultant (contact information listed in Appendix F).

Any employee who witnesses or becomes aware of possible discrimination involving any employee should promptly notify the Executive Director (or the Deputy Director or the Association’s human resources consultant, if relevant).

Consequences
If an investigation finds that an employee violated this policy, the mandatory minimum discipline is a written reprimand. The discipline for repeat violations may be termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

All reported allegations of sexual harassment will be handled in a timely and discreet manner. AIR will not retaliate against employees who file a complaint of discrimination, harassment, or sexual harassment.

APPENDIX E:
The Association for Institutional Research
Definitions of Sexual Harassment in the Workplace and Complaint Procedure

Definition
Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and is illegal under federal, state, and local laws. In addition, the AIR Constitution and Bylaws prohibit discrimination in employment opportunities or practices because of genetic information, national origin, color, sex, sexual orientation, gender identity, transgender, marital status, pregnancy, and veteran status.
For the purposes of this policy, “sexual harassment” is defined as in the Equal Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment. Title IV of the Civil Rights Act of 1964 recognizes two types of sexual harassment – quid pro quo and a hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser’s conduct must be unwelcome.

Examples of Prohibited Conduct
Sexual harassment encompasses a wide range of conduct. Specific examples of prohibited conduct include, but are not limited to the following.

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults, and the intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body.
- Unwelcome sexual advances, proposition or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person’s sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of that employee’s sex.
- Sexual or discriminatory display or publications anywhere in the workplace by employees.
- Retaliation for sexual harassment complaints.

Complaint Procedure
If an employee believes that sexual harassment or unwelcome sexual attention is experienced in violation of AIR policies, the situation may be addressed directly and immediately to the person engaging in the alleged inappropriate behavior (Respondent), if possible. If the inappropriate behavior does not cease, or if the employee is unable to address the Respondent, or is uncomfortable doing so, the incident should be reported to the employee’s supervisor.

If the employee’s supervisor is in any way involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with the supervisor, the employee should report the conduct to the Executive Director. If the Executive Director is involved in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with the Executive Director, the employee should notify the Deputy Director. If both the Executive Director and the Deputy Director are involved
in the alleged inappropriate behavior or if the employee is unable to or uncomfortable with addressing the situation with them, or the employee (or the employee’s supervisor) should notify the Association’s human resources consultant (contact information listed in Appendix F).

Any employee who witnesses or becomes aware of possible sexual harassment involving any employee should promptly notify the Executive Director (or the Deputy Director or the Association’s human resources consultant, if relevant).

**Consequences**

If an investigation finds that an employee violated this policy, the mandatory minimum discipline is a written reprimand. The discipline for repeat violations may be termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

All reported allegations of sexual harassment will be handled in a timely and discreet manner. AIR will not retaliate against employees who file a complaint of discrimination, harassment, or sexual harassment.