

15.18 EQUAL OPPORTUNITY POLICY AND PLAN OF LEGAL ASSISTANCE FOUNDATION OF METROPOLITAN CHICAGO

5.18.1 Purpose

The purpose of the Legal Assistance Foundation of Metropolitan Chicago's (LAFMC) Equal Opportunity Policy is to assure the right of all persons to work at, participate in, and receive the assistance provided by LAFMC without discrimination prohibited by applicable statutes and regulations. These policies protect: (1) any person employed by or seeking employment with LAFMC; (2) any person receiving or seeking to receive legal services from LAFMC and (3) any person participating in or seeking to participate in a policy-making, planning, or advisory body of the program.

Based on moral and legal principles, LAFMC reaffirms its commitment to hire and promote qualified persons and to implement its Equal Opportunity Policy and Plan.

5.18.2 Statement of Policy

A. Equal Opportunity in the Provision of Legal Services

LAFMC shall not discriminate in the provision of legal assistance to eligible persons or organizations except as provided in III B., infra, because of race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other consideration prohibited by law.

B. Equal Opportunity in Employment

It is the policy of LAFMC to recruit, employ, retain, and promote qualified persons, to provide equal opportunity in all aspects of employment, and to administer all personnel activities in a manner that will not discriminate against any person because of race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other consideration prohibited by law, or by the collective bargaining agreement between the LAFMC and the United Legal Workers (ULW), except as permitted by law.

5.18.3 Implementation of Equal Opportunity Policy

A. General

The LAFMC Board of Directors has the overall responsibility for the Policy and Plan.

1. The implementation of this Policy and Plan is the responsibility of the Executive Director, the Equal Opportunity Officer (EOO), and all other management personnel.
2. The Executive Director shall review on a continuing basis all aspects of LAFMC's operations to insure that this Policy and Plan are being observed and to determine if additional affirmative efforts are necessary.
3. The Executive Director shall select an Equal Opportunity Officer: (1) to monitor each aspect of this Policy and Plan; (b) to assist both persons seeking assistance who allege discrimination and employees who allege discrimination by processing complaints, investigating the underlying facts, and when requested by the complainant, conciliating the complaint; (c) to review and evaluate each job description and job posting to ensure that the job requirements are job-related and free of unlawful bias; (d) to monitor the hiring process to ensure that interviewing, evaluation of candidates, and hiring are consistent with the EEO Policy and Plan; (e) to monitor all personnel procedures to ensure that they are consistent with the EEO Policy

and Plan; and (f) to carry out other responsibilities as set forth under this Policy and Plan. The Executive Director shall solicit recommendations for the EOO from the ULW and from management personnel. The EOO shall serve for two years unless the Director determines that she/he should be removed earlier for cause.

B. Provision of Legal Assistance

LAFMC shall not discriminate against any eligible person or organization in the provision of legal assistance on the ground of race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other basis prohibited by law;

1. LAFMC shall not directly, or through contractual or other arrangements, discriminate against an individual or organization in the provision of legal services;
2. In determining the type of service, aid or benefits that will be provided, or the manner in which such services, aid or benefits shall be offered, directly or through contractual or other arrangements, LAFMC shall not utilize criteria or methods of administration with the purpose of subjecting individuals or organizations to discrimination or which have the effect of substantially impairing accomplishment of the objectives of the program with respect to individuals or organizations on one of the bases outlined above;
3. An individual or organization shall not be deemed subjected to discrimination if refused services by LAFMC because her/his/its legal problem does not come within LAFMC's priorities or is prohibited by law. Further, an individual or organization shall not be deemed subject to discrimination by reason of her/his/its own exclusion from the benefits of services limited by law to individuals with a disability or of a race, color, sex, national origin, or age group, or from the benefits of a program specifically designed to address legal issues concerning particular status, not shared by the individual or organization;
4. LAFMC shall not be deemed to have discriminated in determining the site or location of facilities, unless selection was made with the purpose of excluding individuals or organizations from, denying them the benefits of, or subjecting them to discrimination, or the purpose of substantially impairing the accomplishment of the objectives of this Policy;
5. LAFMC shall conduct its programs and activities so that when viewed in their entirety, they are readily accessible to and usable by disabled persons. This paragraph does not necessarily require LAFMC to make structural changes in existing facilities when other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of this paragraph, LAFMC shall give priority to those methods that offer legal services to disabled persons in the most integrated setting appropriate;
6. LAFMC shall ensure that disabled persons have access to new facilities it rents or purchases; and
7. LAFMC shall ensure that disabled persons have access to new facilities designed or constructed for it. Alterations to existing facilities shall be designed and constructed to make the altered facilities readily accessible to and usable by disabled persons.

C. Employment Practices

1. Except as permitted by law, LAFMC shall not, on the grounds of race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other basis prohibited by law, or by the collective bargaining agreement between LAFMC and the ULW:
 - (a) discriminate in the recruitment, hiring, assignment and promotion of personnel;

- (b) discriminate in compensation, leave, or fringe benefits, including access to training and educational programs;
 - (c) discriminate in transfers, discipline, and termination.
2. "Sex," for the purposes of this Equal Employment Policy, shall include gender, pregnancy, childbirth, miscarriage, or other termination of pregnancy, and any related medical condition.

No female employee will be required to take an unpaid leave of absence because of pregnancy, childbirth, miscarriage or other termination of pregnancy, and any related medical condition if she is able to work or if she qualifies for sick leave.

An employee may take up to six (6) months parental leave without pay in connection with the birth or adoption of a child, with advance notice of beginning and end of leave and with LAFMC approval. Continuation of fringe benefits during such leave shall be at the employee's expense.

3. LAFMC shall take appropriate action against any person, including LAFMC personnel, who harasses an applicant or employee based on her/his race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other consideration prohibited by law, or by the collective bargaining agreement between LAFMC and the ULW.

D. Procedure for Employment Discrimination Complaints

1. Applicants

- (a) Any job applicant at LAFMC ("complainant") who charges discrimination by LAFMC ("respondent") on any basis prohibited by this Policy at any stage of recruitment, interview, or in selection criteria may request a review of that decision. The request for review must be made within 45 days of the LAFMC decision complained of. Each request shall be in writing and signed by the complainant and shall specify the grounds of the complaint. "Respondent" means any persons specifically named or described in the complaint. If the complainant has not named or described a specific person, then the chair of the relevant hiring committee shall be deemed the respondent.
- (b) Any complaint of employment discrimination prohibited under LAFMC's policy, regarding any position other than an attorney position, shall be submitted to the Equal Opportunity Officer. The EOO shall provide a copy to the respondent. The respondent may submit a written reply to the complaint to the EOO, with a copy to the complainant, within 15 days of receipt of the complaint. The EOO shall investigate and make a written decision, including reasons for the decision, within 15 days of receipt of the written reply or if no written reply, then within 15 days of the expiration of the time period for the respondent's reply and any supporting materials submitted. The EOO shall advise the complainant in writing that he/she may have remedies under local, state and federal law and that he/she may wish to seek outside counsel. At the same time, the EOO shall provide a copy of the decision to the Executive Director. Within twenty (20) days of the Executive Director receiving the EOO's decision, the Executive Director shall prepare a written decision of any discipline to be imposed, unless one of the parties has requested review of the EOO decision.
- (c) If the complainant or respondent wishes, she/he may request a review of that EOO decision or the Executive Director's discipline by the Executive Director. That request must be made within 15 days of receipt of the decision, in writing, and specifying the

grounds for such a request. A request to review the Executive Director's discipline must be made within fifteen (15) days of receipt of the Executive Director's discipline, must be in writing, and must specify the grounds for such a request. The Executive Director shall make a written decision, including reasons for the decision, after reviewing the EOO's decision, the complaint, the reply and any other relevant material submitted, within 15 days of receipt of the request.

- (d) If the complainant or respondent wishes, she/he may request a review of the Executive Director's decision or discipline by a Grievance Committee of LAFMC's Board of Directors. That request must be made within 15 days of receipt of the Executive Director's decision or discipline, in writing, and specifying the grounds for such request. The Committee shall, after reviewing the Executive Director's decision, the complaint, the reply and any other relevant material submitted, render a written decision, including reasons for the decision, within 30 days.
- (e) Any complaint of an applicant for an attorney position with LAFMC, alleging employment discrimination prohibited under LAFMC's Policy, shall initially be submitted to the Executive Director. The Executive Director shall provide a copy to the respondent. The respondent may submit a written reply to the complaint to the Executive Director, with a copy to the complainant, within 15 days of receipt of the complaint. The Executive Director shall investigate and shall make a written decision, including reasons for the decision and discipline to be imposed, if any, within 15 days of receipt of the written reply or if no written reply, then within 15 days of the expiration of the time period for the respondent's reply. The Executive Director shall advise a complainant in writing that he/she may have remedies under local, state and federal law and that he/she may wish to seek outside counsel.
- (f) If the complainant or respondent wishes, she/he may request a review of the Executive Director's decision or discipline by a Grievance Committee of LAFMC's Board of Directors. Such request must be made within 15 days of receipt of the Executive Director's decision, in writing, and specifying the grounds for such request. That Committee shall, after reviewing the Executive Director's decision, the complaint, the reply and any other relevant material submitted, render a written decision including reason for the decision within 30 days.
- (g) Complainants and respondents shall be advised in writing by the person making the written decision at each level of the review process, set forth herein, of their right to further review, if any, under these procedures.

2. Union Employees

If any employee ("complainant") covered by the collective bargaining agreement between the LAFMC and the ULW wishes to complain that LAFMC ("respondent") discriminated, based on race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other basis prohibited by law, that employee shall elect to initiate a complaint either under the grievance procedure set forth in the collective bargaining or under procedures set forth below for non-union employees.

3. Non-Union Employees

- (a) Any employee of LAFMC ("complainant") not covered by the LAFMC-ULW collective bargaining agreement who wishes to complain that LAFMC ("respondent") discriminated, based on race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other basis prohibited by

law, may request a review of the decision complained of. The request for review must be made within 45 days of LAFMC's decision. It shall be in writing, signed by the complainant, and shall specify the grounds of the complaint. "Respondent" means any persons specifically named or described in the complaint. If the complainant has not named or described a specific person, then the chair of a relevant committee or other supervisor shall be deemed the respondent.

- (b) The complainant shall initially submit his or her complaint to LAFMC's EOO. If the action complained of was the EOO's action, an alternative EOO shall be appointed by the Executive Director. Neither the EOO nor an alternative EOO shall be deemed to represent the complainant. The EOO shall provide a copy to the respondent. The respondent may submit a written reply to the complaint to the EOO, with a copy to the complainant, within 15 days of receipt of the complaint. The EOO shall investigate and make a written decision, including reasons for the decision, within 15 days of receipt of the written reply or if no written reply, then within 15 days of the expiration of the time period for the respondent's reply. The EOO shall advise a complainant in writing that he/she may have remedies under local, state and federal law and that he/she may wish to seek outside counsel. At the same time, the EOO shall provide a copy of the decision to the Executive Director. Within twenty (20) days of the Executive Director receiving the EOO's decision, the Executive Director shall prepare a written decision of any discipline to be imposed or other corrective action to be taken, unless one of the parties has requested review of the EOO decision as described in subparagraph c.
- (c) If the complainant or respondent wishes, she/he may request a review by the Executive Director of the EOO's decision or the Executive Director's discipline or corrective action. A request to review the EEO's decision must be made in writing within 15 days of receipt of the EOO's decision. A request to review the Executive Director's discipline or other corrective action must be made within fifteen (15) days of receipt of the Executive Director's discipline or other corrective action, must be in writing, and must specify the grounds for such a request. The Executive Director shall, after reviewing the complaint, the reply and any other relevant material submitted, make a written decision including reasons for the decision within 15 days of receipt of the request for review;
- (d) If the complainant or respondent wishes, she/he may request a review of the Executive Director's decision, including the discipline or other corrective action, by a Grievance Committee of LAFMC's Board of Directors. Such request must be made within 15 days of that decision, in writing, and specifying the grounds for such review. The committee shall, after reviewing the decision, the complaint, the reply and any other relevant material submitted, make a written decision including reasons for the decision within 30 days of receipt of a request for review;
- (e) Complainants and respondents shall be advised in writing by the person making the written decision at each level of the review process, set forth herein, of their right to further review, if any, under these procedures.
- (f) If the respondent disagrees with the EOO's decision or the Executive Director's discipline, then the respondent may elect to seek review under one of the following: (a) this Equal Opportunity Policy, (b) the collective bargaining agreement, if applicable to the respondent or (c) other LAFMC policy or procedure, if applicable to the respondent.

4. No Retaliation

No person shall be penalized, disciplined, or subjected to any reprisal because she/he submitted, participated in or provided evidence on a complaint of discrimination, or because she/he opposed discriminatory employment practices.

5. Notice

For purposes of this section on employment discrimination complaints, all notices given shall be deemed to have been duly received three days after mailed by certified mail, return receipt requested, with postage prepaid and addressed: to any applicant at the address appearing on such person's application for employment; to a current employee at the latest address on file; and to any EOO, the Executive Director, and to the Grievance Committee of the Board of Directors at Legal Assistance Foundation of Metropolitan Chicago, 111 West Jackson Boulevard, Chicago, Illinois 60604. A person who has complained of discrimination may record any change of her/his address by written notice filed with the Executive Director.

6. Informal Resolution

The existence of a formal complaint mechanism should not be misunderstood to preclude the possibility of informal means of resolution of complaints, at any stage of the process. Indeed, LAFMC encourages the use of the informal process.

7. Waiver of time requirements

In situations where it may be equitable to do so, the EOO may waive the time limits specified in Section 5.18.3(D) for a period not to exceed fifteen (15).

E. Procedure for Client Complaints of Discriminatory Service

1. Any client or applicant for legal services at LAFMC complaining of discrimination based on race, color, national origin, sex, sexual orientation, age, religion, marital or parental status, alienage, disability, political affiliation or belief, union affiliation, military status, ex-offender status, or any other basis prohibited by law, in the provision or denial of legal services, may request a review by the supervisor of the office, project, or team making the decision complained of.
2. If the decision or service complained of was provided by the office, project, or team supervisor, then the review is to be requested from the EOO.
3. A request for review must be made within 30 days of the decision or service complained of. It must be in writing, must specify the grounds of the complaint, and must be signed.
4. If an office, project, or team supervisor is unable to resolve the complaint, she/he must issue a written decision within 30 days after the request for review. The supervisor shall advise a complainant in writing that he/she may have remedies under local, state and federal law and that he/she may wish to seek outside counsel.
5. If the supervisor is unable to resolve the complaint, then the grievant may file a signed written request for review with the EOO. The request for review shall be made within 30 days of the supervisor's decision. The EOO shall provide a copy of the written request for review to the supervisor. The EOO must make a written decision within 15 days of receipt of the request for review.
6. If the EOO is unable to resolve the complaint, the grievant may file a signed and written request for review by the Executive Director. The request for review shall be made within 30 days of the EOO's decision. The Executive Director shall provide a copy of the written request for review to the supervisor. The Executive Director must make a written decision within 15 days of receipt of the request for review.

7. If the Executive Director is unable to resolve the complaint within 15 days of receipt of a written request for review, the grievant may file a signed and written request within 30 days from receipt of the Executive Director's decision to have the complaint reviewed by the Board Grievance Committee.
8. The Board Grievance committee shall make a written decision within 30 days of receipt of a written request for review, which shall be final.

5.18.4 Publication of Policy and Plan

A. Program

LAFMC shall inform all employees of its Equal Opportunity Policy and Plan by:

- 1) providing a copy of the Policy and Plan through appropriate internal memoranda;
- 2) providing a copy of the Policy and Plan to all new employees;
- 3) incorporating the Policy and Plan in the LAFMC Manual of Procedures.

B. Public

LAFMC shall inform the public of its Equal Opportunity Policy and Plan by:

- 1) including the language "LAFMC is an Equal Opportunity Employer" in all job advertisements;
- 2) announcing and advertising jobs in language(s) and place(s) calculated to reach and attract minority and female applicants;
- 3) avoiding sex-segregated advertising resources and other use of language in any recruitment communication implying sex preference;
- 4) placing clear, written notices of the Policy and Plan in English, and in Spanish where appropriate, in a place visible to all clients;
- 5) providing access to the written Policy and Plan to the public, upon request.

5.18.5 Audits and Reports

A. LAFMC shall conduct an annual audit of program personnel and client records to ensure compliance with this Policy and Plan. The audit of LAFMC shall be made at least annually with additional periodic checks as appropriate. The audit shall be submitted to the Board of Directors by the end of the month in which completed. The audit shall include the following:

- 1) a statistical report showing the race, national origin, and sex composition of the program's Board of Directors, staff personnel, and clientele; and
- 2) an evaluation of LAFMC's Equal Opportunity Policy and Plan.

B. LAFMC shall, by race, national origin, presence or non-presence of a disability (as defined in Regulation 45 CFR, Section 1624.3(c) (1982), and sex, prepare an annual tally of its current work force, applicant flow (limited to annual hiring by Attorney Hiring Committee and recognizing that the data may be inaccurate because LAFMC does not ask job applicants to self-identify their race, etc.), hiring, promotions, training opportunities, training attendance, terminations, and disciplinary action.

5.18.6 Equal Opportunity Plan

LAFMC shall take the following actions to attract and retain minority attorneys:

- A. In the consideration of applicants for attorney positions, LAFMC shall comply with the provisions of the Code of Federal Regulations which govern Legal Service Corporation programs. (45 CFR, Sections 1616.1 et seq.)

Section 1616.3 - Qualifications

A recipient shall establish qualifications for individual positions for attorneys providing legal assistance under the Act, that may include, among other relevant factors:

- (a) Academic training and performance;
- (b) The nature and extent of prior legal experience;
- (c) Knowledge and understanding of the legal problems and needs of the poor;
- (d) Prior working experience in the client community, or in other programs to aid the poor;
- (e) Ability to communicate with persons in the client community, including, in areas where significant numbers of eligible clients speak a language other than English as their principal language, ability to speak that language; and
- (f) Cultural similarity with the client community."

Section 1616.6 - Equal Employment Opportunity

A recipient shall adopt employment qualifications, procedures, and policies that meet the requirements of applicable laws prohibiting discrimination in employment, and shall take affirmative action to insure equal employment opportunity."

- B. Supervisory attorneys shall encourage minority attorneys whose professional qualifications meet the requirements for any available position on a special team or project to apply. LAFMC shall ensure that every attorney with more than one year experience who seeks to participate in a major case or project is given the opportunity to do so at the earliest possible time. A hiring committee appointed by the Executive Director consisting of supervisory attorneys, at least one of whom is a minority or woman, shall evaluate all applicants.
- C. Encourage and support community legal education and representation of eligible community organizations to the extent approved by the LAFMC Board of Directors in the Priorities in The Provision of Legal Services. Attorneys shall be afforded the opportunity, recognition, and the time to carry out such work, as is approved by the supervisory attorney. Participation in these activities shall be considered an appropriate integral component of the professional development of an attorney which shall be evaluated on par with an attorney's other legal responsibilities.
- D. Instruct supervisory staff to pay specific attention to the express concerns of all minority staff and monitor their office, team, or project's compliance with the requirements of this Policy and Plan.

- E. Establish regular meetings at least once a year with minority staff, the EOO, the Executive Director, and such other personnel as the Executive Director deems appropriate to discuss issues related to any aspect of this Policy and Plan. Prior to each such meeting, the EOO shall request in writing items for the meeting's agenda from each participant. Minutes shall be taken and maintained by the EOO.
- F. Monitor reasons for voluntary attorney turnover through exit interviews conducted by the EOO with each departing attorney. The EOO shall determine what, if any, further investigation is necessary. The EOO shall discuss with the Executive Director information received during the exit interviews and any subsequent investigations to determine whether further action is necessary. The identify of individual informants shall be protected by the EOO and shall not be released to any person without their written consent.
- G. Make special outreach efforts in the attorney recruitment program to attract minority attorneys and law students.
 - 1. These outreach efforts shall include at a minimum sending written job announcements to at least 50 placement offices at law schools throughout the country, including those with a significant number of minority students.
 - 2. Within two weeks of the announcement of the availability of any attorney position, members of the hiring committee shall specifically consider what steps should be taken to recruit a sufficient pool of attorneys, including minority attorneys.
 - 3. Whenever the new attorney hiring committee is interviewing for three or more new attorney positions, the hiring committee shall: (a) arrange to visit each of the Chicago area law schools to encourage minorities, women, and disabled persons to apply for positions with LAFMC; (b) consider visiting other law schools with significant minority enrollment, and if the Committee believes visiting some of these schools would be desirable taking into account all of the circumstances regarding hiring, then members of the hiring committee shall visit such schools; and (c) LAFMC shall send a representative to appropriate regional and local job fairs for the purpose of interviewing and recruiting attorneys. Additionally, LAFMC shall become a member of the National Association for Law Placement.
 - 4. The Equal Opportunity Officer shall meet with the supervisory attorney responsible for the recruitment and hiring of law students to discuss the mechanisms used to insure a sufficient pool of minority law students.
 - 5. Law student performance shall periodically be evaluated. Evaluations shall identify weaknesses and suggest corrective measures.
- H. Provide systematic training to foster career advancement. Each staff attorney who receives an unfavorable evaluation on any aspect of his or her legal skills shall be assigned to in-house or other remedial training designed to improve those skills. In addition, LAFMC shall provide opportunities for staff attorneys to participate in training programs to develop additional legal skills essential to supervisory attorneys and shall encourage the participation of minority (and women) attorneys in these programs. The EOO will have access to all records of requests and applications for training, approval of training, and lists of all training programs offered and accepted by LAFMC. The EOO and the Director of Training will review and discuss annually the measures employed and steps taken to insure that minority attorneys have full opportunity to participate in training programs.
- I. Monitor progress toward achieving the goals of the Plan on a regular basis and determine the reasons for progress or lack of progress. The EOO shall be responsible for evaluating the results of each hiring process for staff and supervisory attorneys and shall report the results of his or her evaluation at least once a year to the Executive Director together with recommendations for additional affirmative action efforts and, if necessary, recommend revisions in the Plan.

J. Take all other reasonable and necessary actions to implement the provisions of this Policy and Plan.

Approved by LAFMC Board of Directors - May 2, 2001