

## **Equal Opportunity and Affirmative Action**

Within the scope of Sovereignty and Indian Preference described below, the College will not discriminate in the administration of employment, education or admission to the College, financial aid, or the approved policies of the College on the basis of sex, race, age, religion, color, creed, political or sexual preference, disability, national origin, marital status, or status with regard to income.

### **Sovereignty**

Federal and state labor laws, rules and regulations pertaining to employees shall be adhered to in good faith and to their fullest extent. When such labor laws, rules and regulations are in conflict, the Sovereignty of the Red Lake Band of Chippewa Indians will take precedence; i.e., legal matters concerning employment at Red Lake Nation College will be heard in the Red Lake Tribal Court.

### **Indian Preference Law**

Provisions in the Federal Civil Rights Act of 1964 allow private and governmental employers on or near federal trust Indian Reservations to publicly announce and practice a policy of giving preferential treatment to qualified American Indian candidates who present proof of eligibility for Indian Preference.

The Indian Preference Law is reasonably and rationally designed to further Indian self-government. The Indian Preference Law is a distinct statute that does not violate Title VII of the Civil Rights Act of 1964, as amended. The United States Supreme Court has held that the Indian Preference Law does not constitute harmful racial discrimination or violate the due process clause of the Fifth Amendment.

Legal references:

1. I.S.D.A. [25 U.S.C. 450e(b)(1), 41 C.F.R. 14-78,5002] Section 7(b)(1)
2. Civil Rights Act of 1965, as amended [42 U.S.C. 2000e-2(1)] Section 703(i)
3. Executive Order 11246
4. A.R.S. 15-502,15-504,41-1463

The College will make every effort to recruit and hire the most qualified individuals available for all positions. The College reserves the right to invoke American Indian preference for all positions to be filled. Following is the order of preference the College will use when selecting from a qualified pool of candidates for a vacant position:

1. Qualified Red Lake Band of Chippewa Indians enrollees
2. Qualified other federally recognized tribal enrollees
3. Qualified Canadian Reserves tribal enrollees
4. Qualified other applicants

### **Equal Employment Opportunity**

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political or sexual preference, disability, national origin, marital status, or status with regard to income.