

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Equal Employment Opportunity, Affirmative Action,
Discrimination, and Nepotism

EFFECTIVE DATE: July 1, 2000

Introduction

It is the intent of Southwest Tennessee Community College to comply fully with Executive Order 11246, as amended, the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Pregnancy Discrimination Act; applicable state statutes; and all regulations promulgated thereto. In addition, Southwest will comply fully with Titles VI and VII of the Civil Rights Acts of 1964, as amended. The College intends to promote and ensure equal opportunity for all persons without regard to race, color, religion, sex, national origin, disability status, age, or status as a qualified veteran with a disability, or veteran of the Vietnam era.

It is the intent of Southwest to be free of harassment on the basis of sex, race, color, religion, national origin, age, or any other protected status. The College shall comply fully with the anti-harassment provision of Titles VI and VII of the Civil Rights Acts of 1964, as amended; Title IX of the Educational Amendments of 1972, as amended; the federal and state constitution; and all other applicable federal and State statutes.

Statement of Policy

The College will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex (except where sex is a bona fide occupational qualification), disability (where the individual is a qualified person with a disability), age, and/or because of their status as a qualified veteran with a disability, or a veteran of the Vietnam era.

Source of Policy: Transition Team VII
Human Resources

Related Policy: N/A

Approved: _____
President

Responsible Administrator: Affirmative
Action Officer

TBR Policy Reference: 5:01:02:00

TBR Guideline Reference: P-080; P-090

Date: July 1, 2000

The College shall not, on the basis of a protected status, subject any student to discrimination under any educational program. No student shall be discriminatorily excluded from participation nor denied the benefits of any educational program on the basis of a protected status.

The College will take affirmative action to ensure that applicants are employed, and that employees are fairly treated during employment without regard to their race, color, religion, national origin, sex (except where sex is a bona fide occupational qualification), disability (where the individual is a qualified person with a disability), age, and/or because of their status as a qualified veteran with a disability, or a veteran of the Vietnam era. Such action shall include, but not be limited to, action which will accomplish the following:

Recruit, hire, train, and promote persons in all job titles, without regard to any of the foregoing factors;

Base decisions on employment so as to further the principle of equal employment opportunity;

Ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and

Ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and institutional or school sponsored training, education, tuition assistance, and social and recreational programs, will be administered without regard to any of the foregoing prohibited factors.

It is and has been the policy of the College to maintain each campus and center as a place of work and study for faculty, staff, and students, free of sexual harassment and other protected status. Harassment is a form of discrimination. Harassment in the workplace, or educational environment is unacceptable conduct, and will not be condoned.

Affirmative Action

The program of Affirmative Action represents an assessment of the College's employment patterns and eliminates potential barriers to the equal employment opportunity process. The goals of the Affirmative Action program seek to ensure equal employment opportunity while maintaining high standards of academic excellence at the College. Accordingly, job qualification standards will not be lowered nor will employment of unqualified persons be required. The Affirmative Action program requires that administrative personnel to demonstrate good faith efforts to increase the access of minorities, women, veterans and persons with a disability to all levels of employment and to provide a work environment free of discrimination.

The Affirmative Action plan is applicable to all full-time personnel (faculty, professional, and clerical/support staff) of Southwest. It affects all areas of full-time employment. Part-time employees are not covered under the Affirmative Action plan; however, part-time employment will be monitored and, if appropriate, the administrative personnel may take action to ensure that minorities, women, veterans and persons with a disability are adequately represented among the part-time personnel. In addition, supervisory staff will be encouraged to maintain minorities, women, veterans and persons with a disability within their pool of potential employees for part-time employment.

Administrative Responsibility - President

The President shall be responsible for the overall development, responsibility, and implementation for the College's Equal Employment Opportunity/Affirmative Action Program as well as for assuring the college's compliance with the terms and conditions of the Governor's Executive Order #8. The President shall also be responsible for assuring that any instance of alleged harassment is investigated, and educational efforts regarding harassment take place.

The President has delegated primary authority to the Affirmative Action Officer to ensure that a vigorous Affirmative Action program is maintained. However, all members of the college, especially supervisory personnel, share the responsibility for making equal opportunity an actual, functioning condition of this college. In carrying out this responsibility, the President shall comply with the following requirements:

1. Appoint an EEO/AA Officer who will be responsible for promoting and assuring compliance with this policy as well as all applicable laws and regulation, receiving and investigating complaints, reviewing the effectiveness of the program, and recommending improvements to the President.
2. Ensure that all affirmative action plans are developed annually, and implemented as a means of aggressively pursuing the principles of equal employment opportunity.
3. Develop affirmative action goals and timetables directed toward correcting situations contributing to the underutilization or inequitable treatment of minority or women employees in the College.
4. Provide positive leadership in the implementation of the affirmative action program on the campus and ensure that appropriate attention is devoted to the program in staff and faculty meetings. This should include informing all management officials and supervisory staff that their performance evaluation will be partially determined by the effectiveness of their participation in the equal employment opportunity program.

5. Designate a person on campus to be responsible for gathering and reporting data related to the equal employment opportunity program.
6. Assure that policies and procedures are instituted to deal with all forms of harassment, including a procedure for the EEO/AA Officer to receive and investigate complaints and recommend necessary action to the President.
7. Designate the EEO/AA Officer as the staff person responsible for the development and implementation of educational efforts regarding all types of harassment.

Administrative Responsibilities - EEO/AA Officer

The College's Affirmative Action Officer will monitor the program and offer assistance to supervisors in promulgating Affirmative Action policies. The Affirmative Action Officer will have the following responsibilities:

1. Develop and recommend policies and procedures to carry out the provisions of the law.
2. Identify potential or actual problem areas and in consultation with responsible supervisory and management personnel propose programs and/or remedies to rectify the identified problems.
3. Ensure that policies regarding equal employment opportunity are communicated to all levels of employment and to the community at large.
4. Monitor the college's performance through audits and reports to assure the effectiveness of the plan.
5. Provide information to ensure that hiring, promotions, and salary administration practices are fair and consistent with the college's non-discrimination policy.
6. Make recommendations with regard to the resolution of informal and formal complaints of discrimination by employees.
7. Review quarterly and annual reports on the progress, strengths, and weaknesses of the program and evaluate the effectiveness of the total Affirmative Action program and its various components.
8. Review applicant pool and candidate pool prior to interviews being set.

9. Review recommendation for employment prior to recommendation being signed by the President.

Duties of EEO/AA Officer

1. Receive, review, and investigate equal opportunity complaints and appeals, and make recommendations to the President regarding their disposition.
2. Equal employment opportunity or affirmative action complaints made to external agencies (i.e. EEOC or THRC) will be investigated in conjunction with the Office of General Counsel. All complaints will be forwarded to the Office of General Counsel. Any reports to the external agency will be prepared by the College, and submitted to the Office of General Counsel through the President for approval and forwarding to the agency. The attorney/client relationship will apply to the investigation and preparation of these reports.
3. Develop and maintain an EEO/AA program which shall include the following aspects:
 - A. Development or reaffirmation of the College's equal employment policy in all personnel actions;
 - B. Formal internal and external dissemination of this policy;
 - C. Establishment of responsibilities implementing the program;
 - D. Identification of problem areas by organizational units and job classifications;
 - E. Establishment of goals and objectives by organizational units and job classifications, with timetables for completion;
 - F. Development and execution of action-oriented programs designed to attain established goals and objectives;
 - G. Assurance of compliance of personnel policies with sex discrimination guidelines;
 - H. Active support of local and national community action and community service programs designed to improve the employment opportunities of minorities and women;

- I. Provision for internal audit and reporting systems which are designed to ensure compliance and monitoring of the program; and
 - J. Establishment of internal complaint procedures designed to expeditiously process and resolve complaints and grievances by employees or applicants for employment
4. Update the EEO/AA plan annually and report progress in meeting the basis to the Chancellor under the direction of the System's EEO/AA Officer. The College's EEO/AA Officer shall discuss the success of the EEO/AA established goals and objectives. This report shall be submitted on an annual program with the President, and make recommendations regarding desirable changes.

Program Dissemination (Internal and External)

The following actions will be taken to disseminate the Affirmative Action Plan to achieve equal employment opportunity and to foster compliance therewith:

Internal

The plan will be endorsed and presented annually by the Affirmative Action Officer at the President's Council meeting.

Copies of the AA plan will be distributed to all supervisors including Academic Chairs, Division Deans, Vice Provost, Provost, and President.

All employees of the college will be provided with the name, office number, and telephone number of the Affirmative Action Officer to whom an employee may report instances where the employee feels policies are not being implemented fairly.

The College's policy statement on Affirmative Action will be posted on bulletin boards in conspicuous places.

Copies of the AA Plan will be available in the Library and the Office of Human Resources.

Professional and faculty personnel engaged in the employment, placement, training and transferring of employees will receive support with regard to equal employment laws and compliance therewith to include, but not be limited to workshops, meetings, and written communications.

External

The College's non-discrimination policy will be communicated and copies will be distributed to minority and women's organizations, community action agencies, educational institutions with a large percentage of minorities and women in enrollment, educational publications, and referral agencies for veterans and persons with disabilities.

Advertising efforts for employment will be placed in the minority news media as well as in other news media and will contain the phrase "AN EQUAL OPPORTUNITY EMPLOYER."

Harassment Prevention Program

The EEO/AA Officer is responsible for implementing TBR Guideline P-080, Harassment - Sexual, Racial, and Other.

The EEO/AA Officer will assure the development of an educational program alerting students and employees to the non-harassment policy and guideline.

Under the direction and guidance of the TBR General Counsel, the College's EEO/AA Officer will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, national origin, or other protected status.

The College's EEO/AA Officer will ensure that complaints involving discrimination or harassment between students are investigated and resolved by the Provost/Executive Vice President for Academic and Student Affairs which resolves all student disciplinary problems.

Nepotism Policy

Pursuant to T.C.A. 8-31-101 et seq., the following shall be the nepotism policy for Southwest Tennessee Community College:

1. No employees of the College who are relatives shall be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative; provided, however, that to the extent possible, this policy shall not be construed to prohibit two (2) or more such relatives from working at this institution. For the purposes of this policy, a "relative" refers to a parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.
2. When employees of the College become in violation as a result of marriage, the violation shall be resolved by means of transfer within the College, transfer to another institution or school, or resignation as may be necessary to remove the violation. If transfer alternatives are available, the employees shall be given the opportunity to select among the available alternatives; provided that if the employees are unable to agree upon any such alternative within sixty (60) days, the President shall see that appropriate action is taken to remove the violation.
3. In the case of employment relationships which would otherwise violate #1, but were in effect prior to July 1, 1980, the employment of the employees shall not be affected by this policy, provided that the College takes appropriate action to ensure that employees neither initiate nor participate in College decisions involving a direct benefit (i.e. retention, promotion, salary, leave, etc.) to a relative.
4. The College shall apply the foregoing in a nondiscriminating manner, and shall ensure that the implementation of this policy does not adversely affect employees of one sex over those of the opposite sex.

Tennessee Board of Regents Guideline P-090 provides further guidance regarding the implementation of the law.