

## **PERSONNEL**

### **Affirmative Action**

#### **Equal Employment Opportunity (6.6.1)**

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##### **PURPOSE**

It is the intent of Tennessee State University to fully comply with the following laws and orders and all regulations promulgated pursuant thereto for promoting and ensuring equal opportunity for all persons without regard to race, color, religion, sex, age, national origin, disability, or veteran status.

Title VI of the Civil Rights Act of 1964, as amended;  
Title VII of the Civil Rights Act of 1964, as amended;  
Title IX of the Education Amendments of 1972;  
Equal Pay Act of 1963, as amended by the Education Amendments of 1972, and amendments thereto;  
Executive Order 11246 of September, 1965, as amended by Executive Order 11375 of 1967, and amendments thereto;  
Age Discrimination in Employment Act of 1967, as amended;  
Age Discrimination Act of 1975, as amended;  
Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1974, and amendments thereto;  
Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended by the Vietnam Era Veterans Readjustment Assistance Act of 1974, and amendments thereto;  
Pregnancy Discrimination Act, as amended;  
Tennessee Fair Employment Practices Law;  
Americans with Disabilities Act;  
Family and Medical Leave Act of 1993; and  
All other applicable laws and orders.

##### **POLICY**

It is the policy of Tennessee State University to provide and maintain a program of equal opportunity and fairness in all educational programs and activities, including admissions, recruitment, course offerings, extracurricular activities, facilities, counseling, health services, athletics, and financial assistance. The University shall engage in no practice which will discriminate against any group or individual for reasons of race, color, religion, national origin, disability, sex, age, or veteran status. This policy incorporates by reference the sexual, racial, and other harassment policy in the *Student Handbook*.

Additionally, the University provides and maintains an equal opportunity program regarding personnel and employment matters, including recruitment, advertising, hiring, employment upgrade or promotion, development, demotion or transfer, layoff or termination, rates of pay, leaves of absence, and other forms of compensation and training. It is the intent of this policy to safeguard against unsound and illegal personnel practices. The University, therefore, shall engage in no practices which will discriminate against any group or individual for reasons of race, color, religion, national origin, disability, sex, age (except where sex or age is a bonafide occupational qualification as determined by statutory or Tennessee Board of Regents requirements), or veteran status. The University has adopted the policy that criteria for employment and promotion be job validated, such that only the skills, performance level, and preparation actually necessary for a job are considered in making employment or promotion decisions.

It is the policy of Tennessee State University to provide equal access to education and employment to all, regardless of disability. Reasonable accommodations have been and will continue to be made to the extent possible for qualified disabled personnel. If an employee desires a reasonable accommodation, he or she should contact the Director of Equal Opportunity and Affirmative Action (Title VI Coordinator, Title IX Coordinator, and Section 504 Co-Coordinator). The Office of Disabled Student Services coordinates university-wide services available to students with disabilities. Students should contact the Director of Disabled Student Services (Section 504 Co-Coordinator) for information about its services.

The University's policy statement requires departments to undertake affirmative action in working toward the achievement of goals. Through implementation of this policy, the University will aggressively recruit and employ persons from classes that are under-represented in its work force. The degree of success achieved in meeting affirmative action goals will be a performance indicator used in the evaluation of all management personnel of the University.

## **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM AND AFFIRMATIVE ACTION PLAN**

The Equal Opportunity Program/Affirmative Action Plan for Tennessee State University is housed, and may be reviewed, in the following offices: Equal Opportunity/Affirmative Action, President, President's Council, Human Resources, and the library. The President's Council shall be responsible for making the Plan available to each area manager/supervisor.

The Plan describes the University's program of equal employment opportunity and outlines its affirmative action efforts. Specifically, the Plan serves to document Tennessee State University's long-held commitment to the principles of equal employment opportunity and affirmative action. Responsibility for implementation, dissemination, and legal obligations relating to affirmative action are contained in the Plan.

## **EEO COMPLAINT PROCEDURES**

1. A complaint may be filed by a student, applicant for admission, present or former University employee, or applicant for employment who believes practices of the University have resulted or will result in discrimination against him or her. A grievance must be filed within fifteen (15) work days after the occurrence of an incident or recognition of a practice claimed to have given rise to the grievance.
2. The complaint and the basis for it, i.e., race, sex, national origin, religion, color, age, disability, or veteran status must be submitted in writing to the EO/AA Office. All complaints must be signed by the complainant. A complaint is considered filed only after it has been submitted in writing.
3. Within five (5) work days, the written complaint is forwarded by the EO/AA Office to the area vice president for possible resolution through the supervisory lines. Written findings must be submitted by the vice president to the EO/AA Office within fifteen (15) work days from date of receipt by the vice president.
4. In the event a complaint cannot be resolved through the supervisory lines within the area, the EO/AA Office will conduct an investigation and present written findings and recommendations to the President within twenty (20) work days.
5. If the complainant or charged party is not satisfied with the findings of the EO/AA Office and desires further consideration, the complainant or charged party must submit a written request for review by the President within ten (10) work days following receipt of the report. Based on the findings and recommendations to this stage, the President will determine if further investigation is warranted. In his or her discretion, the President may refer the matter to the Fair Employment Practices Committee or a designee for investigation and resolution. The President will issue a written decision regarding his or her determination.
6. If a complainant or charged party is not satisfied with the decision of the President, a written appeal may be filed by the complainant or charged party with the Tennessee Board of Regents pursuant to TBR Guidelines and Policies.
7. Copies of all complaints, investigation reports, recommendations, and actions taken will be submitted to the General Counsel.

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## **REFERENCE**

TBR Policy No. 5:01:02:00

Affirmative Action Fair Employment Practices

Supersedes "Equal Employment Opportunity and Affirmative Action"

Policy No. 5:03 in the University-Wide Policy Manual. Supersedes "Equal Employment Opportunity" in the Policy and Procedures Manual for the Vice President for Business and Finance.