

## **PERSONNEL**

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#### **Nondiscrimination on Basis of Sex in Education (6.25)**

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### **PURPOSE**

It is the intent of Tennessee State University to fully comply with Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto (45 C.F.R. Parts 83 and 86). The following policy and procedures are adopted by the university to assist in compliance.

### **POLICY**

It is the policy of Tennessee State University, pursuant to Title IX of the Education Amendments of 1972, Section 799A and 845 of the Public Health Service Act and Regulations adopted pursuant thereto, not to discriminate on the basis of sex in the education programs or activities of the University, including health related training programs. The University shall ensure equal opportunity and nondiscrimination exist on the basis of sex for students in all education programs and activities, including but not limited to the following:

1. Recruitment and admission
2. Academic, extracurricular, research, occupational training, health related training, and other education programs
3. Rules on student life activities
4. Housing
5. Facilities
6. Access to course offerings
7. Counseling
8. Financial assistance
9. Employment assistance
10. Health and insurance benefits and services
11. Rules on marital or parental status
12. Athletics

In addition, in conjunction with TBR Policy No. 5:01:02:00, the University shall ensure no person, on the basis of sex, is excluded from participation, denied the benefits of or subjected to discrimination in employment under any education program or activity. Nondiscrimination in employment on the basis of sex shall include, but not be limited to, the following areas:

1. Employment criteria
2. Recruitment and hiring
3. Promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and rehearing

4. Compensation
5. Job assignments, classifications and descriptions, lines of progression and seniority lists
6. Leave
7. Fringe benefits
8. All other terms, conditions, and privileges of employment.

## **PROCEDURE**

A. A complaint may be filed by any present employee, former employee, and applicant for employment, student applicant for admissions or former student of the University. A complaint is considered filed only after it has been submitted in writing to the EEO/AA Office. The written complaint must be as specific and detailed as possible. Once a complaint is filed, documentation relating to the case will be housed in the EEO/AA Office of the University.

B. A complaint may be filed (a) subsequent to an alleged act of discrimination or alleged violation of Title IX policy which has affected a person (b) to halt current practices in violation of person's rights under Title IX or (c) to prevent contemplated action which, if initiated, could result in a violation of a person's rights under Title IX.

C. After a complaint is filed, the EEO/AA Office will attempt to resolve the complaint. Parties charged will be provided a copy of the complaint and requested to make an official, written response.

D. Within ten work days after the written charge is filed, the complaint officer will forward a written report on the status of the case to the complainant. If the case has not been resolved, an additional ten work days will be allowed in which the EEO/AA Office will continue efforts to resolve the complaint. If resolution is unsuccessful within that period, the complainant will be informed through written notification of the right to a formal hearing.

E. The complainant must notify the EEO/AA Office within five work days from date of receipt of notification that a formal hearing is desired. If a formal hearing is requested, the EEO/AA Office will within fifteen days notify the complainant in writing of a hearing date and time.

F. Findings of the investigation to this stage and all documentation on the complaint will be provided to the Committee and the President. The committee may request additional evidence/information from any or all parties to the charge.

G. The committee will hear the case and hold the case under its jurisdiction until it arrives at a decision within twenty days of the initial hearing date. The written decision is forwarded to the EEO/AA Office, the President and parties to the charge. The President will either accept or reject the findings of the committee.

H. If the complaint is not resolved and the complainant desires further consideration be given, a written request for appeal may be filed with the General Counsel of the Tennessee Board of Regents.

I. Procedural due process will be observed during the processing of all grievances.

J. The Fair Employment Practices Committee (FEPC) serves as the official University grievance committee for Title IX complaints. Information regarding the FEPC's function, membership, hearing procedures, etc., may be obtained from the EEO/AA Office.

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## **REFERENCE**

Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act