

**VICE PRESIDENT FOR BUSINESS AND FINANCE**

**HUMAN RESOURCES**

**TENNESSEE STATE UNIVERSITY  
POLICY AND PROCEDURE STATEMENT**

<b>Function:</b>	<b>Equal Opportunity/Affirmative Action</b>	<b>Date Issued: 5/21/10</b>
<b>Title:</b>	<b>Equal Opportunity/Affirmative Action</b>	<b>Issue Number: 5</b>
<b>Procedure No:</b>	<b>6.6.1</b>	<b>Page 1 of 6</b>

**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, sexual orientation/gender identity, pregnancy, 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.

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**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, sexual orientation/gender identity, 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, sexual orientation/gender identity, 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. Employees will use courtesy titles (Mr., Mrs., Miss, Ms. and Dr.) to address clients/beneficiaries without regard to race, color, or national origin in communications.

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 Equity, Diversity and Compliance (Title VI Coordinator, Title IX Coordinator, and Section 504 Co-Coordinator) at 963-7435. The Office of

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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 at 963-7400.

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 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: Equity, Diversity, and Compliance, President, President's Cabinet, Human Resources, and the library. The President's Cabinet shall be responsible for making the Plan available to each area manager/supervisor within their respective division.

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.

**EQUAL OPPORTUNITY COMPLAINT PROCEDURES**

Discrimination may occur by:

1. Treating members of a protected class less favorably because of their membership in that class. The protected groups are based upon race, color, religion, ethnic, or national origin, sex, sexual orientation/gender identity, disability, age or status as a covered veteran: or,

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2. Having a policy or practice that has a disproportionately adverse impact on protected class members.
  - A. A complaint may be filed by a program beneficiary, student, former student, present or former University employee, or applicant for employment who believes he or she has been subjected to discrimination. A complaint must be filed within three hundred sixty five (365) days after the last occurrence of an incident or he/she has observed discrimination taking place.
  - B. The complaint and the basis for it, i.e., race, sex, national origin, religion, sexual orientation/gender identity, color, age, disability, or veteran status must be submitted in writing to the EDC Office. All complaints must be signed by the aggrieved party (“complainant”). A complaint is considered filed only after it has been submitted in writing.
  - C. Within five (5) work days, the written complaint is forwarded by the EDC Office to the area vice president for possible resolution through the supervisory lines. Written findings must be submitted by the vice president to the EDC Office within fifteen (15) work days from date of receipt by the vice president.
  - D. In the event a complaint cannot be resolved through the supervisory lines within the area, the EDC Office will conduct an investigation and present written findings and recommendations to the President within twenty (20) work days following written notification from the area vice president that the complaint cannot be informally resolved. A copy of the EDC Office’s findings and recommendations shall also be submitted to the complainant and the charged party (respondent) and the appropriate area vice president. In situations where more than twenty (20) work days is needed by the EDC Office to complete the investigation, such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following approval from the Office of Chief of Staff and University

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Counsel and notice to the complainant and the respondent.

- E. All parties are advised that any form of retaliation is strictly prohibited. The complainant may be given assurances that measures will be taken against the respondent should there be retaliation against her or him. The respondent should be notified that any retaliation against the complainant or persons participating in the investigation is strictly prohibited regardless of the outcome of the investigation and may, in itself, be grounds for disciplinary action.
- F. If any person feels they have been retaliated against based upon her/his filing and/or her/his participation in the investigation of an EDC complaint, s/he should notify the area vice president or EDC Office investigator immediately. Should the area vice president or EDC Office receive notification of any form of retaliation by any of the parties to the investigation, or against any person who participated in the investigation of the complaint, and should there be a finding of retaliation, disciplinary action may be taken including, but not limited to, probation or termination.
- G. If the complainant or respondent is not satisfied with the findings of the EDC Office and desires further consideration, the complainant or respondent 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 a designee for investigation and resolution. The President will issue a written decision regarding his or her determination.
- H. In the event additional information implicating Tennessee State University and Tennessee Board of Regents (“TBR”) policies become known after the conclusion of an EDC investigation, the EDC Office reserves the right to re-examine the complaint and conduct further investigation and recommend disciplinary action, up to and including termination.

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- I. If a complainant or respondent is not satisfied with the decision of the President, a written appeal may be filed by the complainant or respondent with the Tennessee Board of Regents pursuant to TBR Guidelines and Policies.
- J. Copies of all complaints, investigation reports, recommendations, and actions taken will be submitted to the Chief of Staff and University Counsel.

**REFERENCE**

TBR Policy No. 2:02:10:01

TBR Policy No. 5:01:02:00

TBR Guideline P-080

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 (Issue Numbers 1-4).