

V: 03:01 AFFIRMATIVE ACTION PLAN FOR EEO AND NEPOTISM

1. Introduction

Volunteer State Community College shall fully comply with Executive Order 11246, as amended; the Rehabilitation Act of 1973; 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 Age Discrimination Act of 1975; the Pregnancy Discrimination Act; applicable state statutes and all regulations promulgated pursuant thereto. Volunteer State Community College will promote and ensure equal opportunity for all persons without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, or status as a covered veteran. Volunteer State Community College shall be free of harassment on the basis of sex, and race, and shall fully comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972, as amended, the federal and state constitutions, and all other applicable federal and state statutes.

Volunteer State Community College shall fully comply with T.C.A. § 8-31-101, et. seq. regarding nepotism.

2. Statement of Policy

Volunteer State Community College hereby reaffirms the policy of Volunteer State Community College will not discriminate against any employee or applicant for employment because of race, color, religion, ethnic or national origin, sex, age, disability, sexual orientation or status as a covered veteran.

Similarly, Volunteer State Community 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 in nor denied the benefits of any educational program on the basis of a protected status.

Volunteer State Community College specifically finds that diversity of students, faculty, and staff is a crucial element of the educational process and reaffirms its commitment to enhancing education through Affirmative Action to increase diversity at all levels.

Volunteer State Community College will take Affirmative Action to ensure that all individuals are treated during the employment process without regard to their race, color, religion, ethnic or national origin, sex, age, disability, sexual orientation, or status as a covered veteran. Such action shall include, but not be limited to, actions to:

- A. Recruit, hire, train, and promote persons in all job titles, without regard to any of the foregoing prohibited factors;
- B. Base decisions on employment so as to further the principle of Affirmative Action and equal employment opportunity;

- C. Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and
- D. Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and Volunteer State Community College sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to any of the foregoing prohibited factors.

It is and has been the policy of Volunteer State Community College as a place of work and study for faculty, staff, and students, free of sexual and racial harassment. Harassment is a form of discrimination and harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated.

3. Administrative Responsibility

- A. Duties of the President and Affirmative Action Officer. The President of Volunteer State Community College will appoint an EEO/AA Officer for Volunteer State Community College. The President shall insure that the following actions occur:

(1) Equal Employment and Affirmative Action

- a. Equal employment opportunity and Affirmative Action program plans are to be prepared by the EEO/AA Officer at Volunteer State Community College and these plans must be effectively administered by Volunteer State Community College EEO/AA Officer within the requirements of this policy and applicable laws and regulations.
- b. The Volunteer State Community College EEO/AA Officer will review and evaluate the success of the equal employment opportunity and Affirmative Action programs and make recommendations to the President concerning desirable changes.
- c. Volunteer State Community College EEO/AA Officer and the Tennessee Board of Regents Central Office EEO/AA Officer will receive, review, and investigate Volunteer State Community College equal employment opportunity complaints and appeals and make recommendations regarding their disposition to the President in the case of a Volunteer State Community College.

(2). Harassment

Depending on the locus of the complaint, the President is responsible for the final resolution of a harassment complaint. The President shall insure the following actions occur:

- a. Investigation of Harassment Complaints
Tennessee Board of Regents' General Counsel will supervise the investigation and give legal advice to Volunteer State Community College EEO/AA Officer who will receive, review, and investigate all charges of harassment arising from Volunteer State Community College. Volunteer State Community College

EEO/AA Officer will investigate all complaints of unlawful harassment as directed by Tennessee Board of Regents Guideline P-080 and will communicate all facts to the General Counsel for legal advice. It is the intent of this policy that the review and investigation process conducted by Volunteer State Community College Affirmative Action Office will be under the direct supervision and control of the General Counsel and is intended to be a confidential communication which will result in Counsel giving legal advice.

b. Resolution of Harassment Complaints

The President has designated the EEO/AA Officer as the coordinator and investigator of all harassment complaints. The process outlined in Tennessee Board of Regents Guideline P- 080 will be followed. The President will assure that the EEO/AA Officer investigates the complaint. The final report on the harassment complaint will go from the EEO/AA Officer to the President for action and the final resolution will be made by that individual.

c. Annual Evaluations

The President will annually evaluate Volunteer State Community College on their progress toward the Affirmative Action plan goals, their progress toward diversity, and their participation in the Tennessee Board of Regents approved access and diversity initiatives.

B. Duties of the President

The President of Volunteer State Community College shall be responsible for the development and implementation of the equal employment opportunity and Affirmative Action program on campus as well as assuring that unlawful harassment is investigated and educational efforts regarding harassment take place. In carrying out this responsibility, the President shall comply with the following:

- (1) Appoint an EEO/AA Officer who will be responsible for promoting and assuring compliance with this policy and with all applicable laws and regulations, receiving and investigating complaints pursuant to the process set forth in Tennessee Board of Regents Guideline P-080, reviewing the effectiveness of the program and recommending improvements to the President.
- (2) Insure that 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 under-utilization or inequitable treatment of minority or women employees in Volunteer State Community College.
- (4) Provide positive leadership in the implementation of the Affirmative Action program on the campus and insure that appropriate attention is devoted to the program in staff and faculty meetings.
- (5) Inform all management officials and supervisors that their performance evaluation will be partially determined by the effectiveness of their participation in the equal employment opportunity program and in Volunteer State Community College approved access and diversity initiatives.
- (6) Designate a person on the campus to be responsible for gathering and reporting data related to the equal employment opportunity program.

- (7) Assure 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.
- (8) Designate the EEO/AA Officer as the staff person responsible for the development and implementation of educational efforts regarding all types of harassment.

C. Duties of the EEO/AA Officer

- (1) Equal Employment Opportunity and Affirmative Action Program
The EEO/AA Officer will develop and maintain an EEO/AA program which shall include but not be limited to the following responsibilities:
 - a. Volunteer State Community College EEO/AA Officer will receive, review and investigate equal employment opportunity complaints and appeals and make recommendations to the President regarding their disposition.
 - b. Equal employment opportunity or Affirmative Action complaints made to external agencies, i.e. EEOC or THRC, will be investigated by Volunteer State Community College EEO/AA Officer in conjunction with the Office of the General Counsel. All complaints will be forwarded to the Office of the General Counsel and any reports to the external agency will be prepared by Volunteer State Community College and submitted to the Office of the General Counsel for approval and forwarding to the agency. The attorney/client relationship will apply to the investigation and preparation of those reports.
 - c. The EEO/AA Officer will develop and maintain an EEO/AA program which shall include:
 - 1. developing or reaffirming Volunteer State Community College's equal employment opportunity policy in all personnel actions;
 - 2. formal internal and external dissemination of the policy;
 - 3. establishing responsibilities for implementation of the program;
 - 4. identifying problem areas by organizational units and job classifications;
 - 5. establishing goals and objectives by organizational units and job classifications, with timetables for completion;
 - 6. developing and executing action-oriented programs designed to attain established goals and objectives;
 - 7. assuring compliance of personnel policies with the sex discrimination guidelines;
 - 8. active support of local and national community action and community services programs designed to improve the employment opportunities of minorities and women;
 - 9. internal audit and reporting systems designed to insure compliance and to permit monitoring of the program; and

10. internal complaint procedures designed to expeditiously process and resolve complaints and grievances by employees or applicants for employment.

- d. Updating the EEO/AA plan annually, and reporting progress in meeting the established goals and objectives, with such report submitted at least annually to the President as directed by the EEO/AA Officer. The EEO/AA Officer shall discuss the success of the EEO/AA program with the President and make recommendations regarding desirable changes.

(2) Harassment Program:

- a. Volunteer State Community College EEO/AA Officer will be responsible for implementing Guideline P-080 Discrimination and Harassment /Complaint and Investigation Procedure.
- b. The EEO/AA Officer will assure the development of an educational program alerting students and employees to the non-harassment policy and guideline.
- c. Under the direction and guidance of the Tennessee Board of Regents General Counsel, Volunteer State Community College EEO/AA Officer will investigate all harassment complaints. Volunteer State Community College EEO/AA Officer will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, ethnic or national origin, or other protected status.
- d. The EEO/AA Officer will insure that complaints involving discrimination or harassment between students are investigated and resolved by the Student Affairs Office, which resolves all student disciplinary problems.

4. Nepotism Policy

Pursuant to T.C.A. § 8-31-101, et. seq, the following shall be the nepotism policy for the Tennessee Board of Regents System:

- A. Effective July 1, 1980, no employees of Volunteer State Community 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 or more such relatives from working for Volunteer State Community College. For the purposes of this policy, a "relative" means 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.
- B. When employees of Volunteer State Community College become in violation of subsection (a) as a result of marriage, the violation shall be resolved by means of transfer within Volunteer State Community College, transfer to another state institution, or resignation as may be necessary to remove the violation. If transfer alternatives are available, the employees shall be given the opportunity to select up on any such

alternative within sixty (60) days, the appointing authority shall take appropriate action to remove the violation.

- C. In the case of employment relationships which would otherwise violate subsection (a) but which were in effect prior to July 1, 1980, the employment of the employees shall not be affected by this policy, provided that Volunteer State Community College takes appropriate action to insure that employees neither initiate nor participate in Volunteer State Community College decisions involving a direct benefit (retention, promotion, salary, leave, etc.) to a relative.
- D. Volunteer State Community College shall apply the foregoing in a non-discriminating manner, and shall insure that the implementation of this policy does not adversely affect employees of one sex over those of the opposite sex.
- E. Tennessee Board of Regents Guideline P-090 provides further guidance regarding the implementation of the law.

TBR Source: 5:01:02:00: TBR Meetings, August 17, 1973; September 26, 1980; September 30, 1983; December 14, 1984; March 17, 1989; September 21, 1990; June 25, 1992; December 10, 1993; March 30, 2001; December 8, 2006; March 28, 2008. P-080: Presidents Meeting; November 14, 1984 and November 16, 1984 AVTS Sub-Council meeting; August 16, 1988; February 14, 1989; November 10, 1992; August 13, 1996; February 13, 2001; August 16, 2005; November 8, 2005; February 13, 2008.

VSCC Source: November 11, 1987, President; April 6, 1999, President; January 12, 2009, President's Cabinet