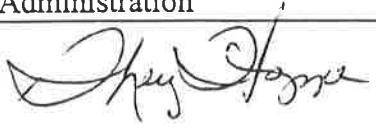


**AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL**

Policy Number: 5:002	Supersedes Policy Number: 5:002
Date:	Dated: May 2, 1994
Subject: Equal Employment Opportunity, Affirmative Action, Discrimination, and Nepotism	
Initiating Authority: Vice President for Finance and Administration	TBR Policy/Guideline Reference: 5:01:02:00/P-080
Approved:  2/15/02 President:	

I. Introduction

It is the intent of the University to fully comply with the 2001 Geier Consent Decree; 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, 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 the University that its campus will be free of harassment on the basis of sex, race, color, religion, national origin, age or any other protected status and shall fully comply with the anti-harassment 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 constitution, and all other applicable federal and state statutes.

Further, it is the intent of the University to fully comply with the equal employment opportunity, affirmative action, discrimination, and nepotism programs of the Tennessee Board of Regents (TBR). Therefore, the TBR's policies and guidelines relative to these matters are hereby referred to and made a part of this statement of University policy.

II. Statement of Policy

The University hereby reaffirms its policy that it 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 (he/she is a qualified person with a disability), age, or because of his or her status as a qualified veteran with a disability or veteran of the Vietnam era.

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

The University specifically finds that diversity of students, faculty, administrators 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.

The University will take affirmative action to insure that all individuals are treated during the employment process, without regard to their race, color, religion, national origin, sex (except where sex is a bona fide occupational qualification), disability (where he/she is a qualified person with a disability), age, or because of their status as a veteran with a disability or veteran of the Vietnam era. Such action will include, but not be limited to, actions to:

- (1) Recruit, hire, train, and promote persons in all job titles, without regard to any of the foregoing prohibited factors;
- (2) Base decisions on employment so as to further the principles of affirmative action and equal employment opportunity;
- (3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and
- (4) Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and University 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 the University to maintain its campus as a place of work and study for faculty, staff, and students, free of sexual harassment and harassment on the basis of race, color, religion, national origin, age or other protected status. Harassment is a form of discrimination and harassment in the

work place or the educational environment is unacceptable conduct and will not be tolerated.

III. Administrative Responsibility

A. Duties of the President

The President will be responsible for the development and implementation of the equal employment opportunity and affirmative action program as well as assuring that illegal harassment is investigated and educational efforts regarding harassment take place. In carrying out this responsibility, the President will 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, 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 underutilization or inequitable treatment of minority or women employees in the University.
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 their progress toward goals of the Geier Consent Decree.
6. Designate a person on the campus to be responsible for gathering and reporting data related to the equal employment opportunity program and to the Geier Consent Decree.

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.

B. 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 that will include but not be limited to the following responsibilities:

- (a) The 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 the 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 the University 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 that will include:
 - (1) developing or reaffirming the University'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 system 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 Chancellor as directed by the system EEO/AA Officer. The EEO/AA Officer will discuss the success of the EEO/AA program with the President and make recommendations regarding desirable changes.

2. Harassment Program

- (a) The EEO/AA Officer will be responsible for implementing Guideline P-080, Harassment, Sexual, Racial and Others.
- (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 TBR General Counsel, the EEO/AA Officer will investigate all harassment complaints. The EEO/AA Officer will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, 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 that resolves all student disciplinary problems.

IV. Nepotism Policy

Pursuant to the Tennessee State Employees Uniform Nepotism Policy Act of 1980 (Tenn. Code Ann. 8-31-101, et. seq.) the following shall be the nepotism policy for the University:

- A. Effective July 1, 1980, no employees of the University who are relatives will 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 will not be construed to prohibit two or more such relatives from working for the University. 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 the University become in violation of subsection (A) as a result of marriage, the violation will be resolved by means of transfer within the University, transfer to another institution or school, or resignation as may be necessary to remove the violation. If transfer alternatives are available, the employees will 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 days, the President will 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 will not be affected by this policy, provided that the University takes appropriate action to insure that employees neither initiate nor participate in University decisions involving a direct benefit (retention, promotion, salary, leave, etc.) to a relative.
- D. The University will 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.