


AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

Policy Number: 5:002	Supersedes Policy Number: 5:002
Date: October 23, 1989	Dated: August 1, 1986
Subject: Equal Employment Opportunity, Affirmative Action and Discrimination	
Initiating Authority: Vice President for Finance and Administration	TBR Policy/Guideline Reference: 5:01:02:00/P-080
Approved:  President	

Introduction

It is the intent of the University to comply fully with Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans Readjustment Act of 1974, as amended, and all regulations implementing those laws and orders, for the promotion and insuring of equal opportunity for all persons without regard to race, color, religion, sex, national origin, handicap status, age, or status as a qualified disabled veteran or veteran of the Vietnam era. It is the intent of the University that its campus be free of harassment on the basis of sex, race, color, religion, national origin, age, or any other protected status. It is the intent of the University to comply fully with Titles VI and VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, 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. Further, it is the intent of the University to comply fully with the equal employment opportunity, affirmative action, and discrimination programs of the State University and Community College System of Tennessee. Therefore, the System's policies and guidelines relative to equal employment opportunity, affirmative action, and discrimination are hereby referred to and made a part of this statement of University policy.

The University's affirmative action plan may be reviewed in the Affirmative Action Office, 129 Browning Building, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any questions or concerns regarding this subject should be addressed to the Director of Affirmative Action, 129 Browning Building, APSU Box No. 4635, telephone 648-7178.

Statement of Policy

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 workplace or the educational environment is unacceptable conduct and will not be condoned.

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, handicap, where the person is a qualified handicapped person, age, or because of his or her status as a qualified disabled veteran or veteran of the Vietnam era.

Similarly, the University will 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 will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex, except where sex is a bona fide occupational qualification, handicap, where the person is a qualified handicapped person, age, or because of their status as disabled veterans or veterans 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 principle of 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.

Administrative Responsibility

The president will be responsible for the development and implementation of the equal employment opportunity and affirmative action program. In carrying out this responsibility, the president will comply with the following:

- (a) Appoint an affirmative action 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.
- (b) Insure that affirmative action plans are developed and implemented as a means of aggressively pursuing the principles of equal employment opportunity.
- (c) 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.
- (d) 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. This should include informing 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.
- (e) Designate a person to be responsible for the gathering and reporting of data related to the equal employment opportunity program.
- (f) Assure policies and procedures are instituted to deal with all forms of harassment, including receiving and investigating complaints and recommending necessary

action to the president. Insure that complaints involving discrimination or harassment between students are investigated by the Student Affairs Office which resolves all student disciplinary problems.

(g) Designate a person on campus to develop and implement educational efforts regarding all types of harassment.

Equal Employment Opportunity and Affirmative Action Programs

The University will develop and maintain an equal employment opportunity and affirmative action program, which will comply with the requirements of policy and all applicable laws and regulations. The program will include, but not be limited to, the following: (1) reaffirmation of the University's equal employment opportunity policy in all personnel actions; (2) formal internal and external dissemination of the policy; (3) establishment of responsibilities for implementation of the program; (4) identification of problem areas by organizational units and job classifications; (5) establishment of goals and objectives by organizational units and job classifications, with timetables for completion; (6) development and execution of action-oriented programs designed to attain established goals and objectives; (7) assurance of compliance of personnel policies with the 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 process and resolve expeditiously complaints and grievances by employees or applicants for employment.

The equal employment opportunity and affirmative action program will be updated annually, and reports of progress in meeting the established goals and objectives will be submitted at least annually to the System's equal employment opportunity officer.

Nepotism Policy

Pursuant to Chapter 789 of the Tennessee Public Acts of 1980, the following will 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 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 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 appointing authority 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 nondiscriminating manner, and will insure that the implementation of this policy does not adversely affect employees of one sex over those of the opposite sex.

Sexual Harassment

It is the policy of the University that, pursuant to Title VII of the Civil Rights Act of 1964 and regulations adopted pursuant thereto, sexual harassment of employees, applicants for employment, or students will not be condoned and that all allegations of sexual harassment will be affirmatively addressed. Compliance with this policy will be effectuated through procedures described in APSU Policy No. 5:003.

Harassment on the Basis of Race, Color, Religion, National Origin or Other Protected Status

It is the policy of the University that pursuant to

state and federal law it will not condone any harassment of employees, applicants for employment, or students based on race, color, religion, national origin, or any protected status. The University will address affirmatively all allegations of harassment pursuant to TBR Guideline P-080 and APSU Policy No. 5:003. Any complaints of harassment based on race, color, religion, national origin, or other protected status will be made to the affirmative action director who will investigate all complaints (except in the case of student harassment by other students which will be resolved by appropriate staff in the Student Affairs area).

APSU Policy No. 5:003 must be followed in any harassment claim. The University will initiate efforts to educate personnel and students on the issues of discriminatory harassment.