

SOUTHWEST TENNESSEE COMMUNITY COLLEGE**SUBJECT: Equal Employment Opportunity, Affirmative Action, Discrimination, Nepotism****EFFECTIVE DATE: July 1, 2000; May 5, 2023; Revised January 22, 2024 (updating titles)****Purpose**

The purpose of this policy is to state the intent of Southwest Tennessee Community College (“Southwest” or “the College”) to comply with regulations of the Tennessee Board of Regents (TBR), State of Tennessee, and federal government regarding equal opportunities for all without regard for protected class or relationship.

Policy**Introduction**

Southwest will consider bona fide occupational qualifications. The College will not discriminate against any employee or applicant for employment based on race, color, religion, creed, ethnic origin, national origin, sex, sexual orientation, gender identity, gender expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state law. Similarly, the College will 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 or denied the benefits of any educational program on the basis of a protected status.

The College will take affirmative action (AA) during the employment process to ensure that individuals are treated without regard for their inclusion in the protected classes listed above. This applies to actions designed to, among other things:

1. Recruit, hire, train, and promote persons in all job titles, without regard for any of the foregoing prohibited factors;
2. Base decisions on employment so as to further the principle of (AA) and equal employment opportunity (EEO);
3. Ensure that promotion decisions are in accord with principles of equal employment by imposing only valid requirements for promotional opportunities; and
4. Ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, as well as College sponsored training, education, tuition assistance, social programs, and recreation programs will be administered without regard for any of the foregoing prohibited factors.

It is and has been the policy of the College to be a place of work and study for faculty, staff, and students, free of harassment based on sex or race. Harassment is a form of discrimination and harassment in the workplace and the educational environment are unacceptable and will not be tolerated.

All College representatives, especially supervisors, share the responsibility for ensuring equal opportunities pursuant to applicable regulations.

Duties of the President

The President is responsible for the development and implementation of the equal employment opportunity and affirmative action (EEO/AA) program, as well as assuring that unlawful harassment is investigated and educational efforts regarding harassment take place. In carrying out this responsibility, the President will:

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, policies, and guidelines, reviewing the effectiveness of the program and recommending improvements to the President.
2. Ensure that EEO and AA plans are developed annually and implemented as a means of aggressively pursuing the principles of EEO.
3. Develop AA goals and timetables directed toward correcting situations contributing to the under-utilization or inequitable treatment of minority or women employees at the College.
4. Provide positive leadership in the implementation of the AA program on the campus and ensure that appropriate attention is devoted to the program in staff and faculty meetings.
5. Inform management that their performance evaluation will be partially determined by the effectiveness of their participation in the EEO program and approved access and diversity initiatives.
6. Designate a College employee to be responsible for gathering and reporting data related to the EEO program.
7. Assure that 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.

Duties of the EEO/AA Officer

A. EEO/AA Program

1. The EEO/AA Officer's responsibilities include, but are not limited to:
 - a. Developing and maintaining an EEO/AA program.
 - b. Receiving, reviewing, and investigating EEO complaints and appeals. The Officer will make recommendations to the President regarding their disposition, unless policy or guideline requires otherwise.

- c. Update the EEO/AA plan annually.
 - d. Report progress in meeting the established goals and objective, with such report submitted to TBR at least annually as directed by the TBR EEO/AA Officer.
 - e. Discuss the success of the EEO/AA program with the President and make recommendations regarding desirable changes.
2. Through the EEO/AA program the College will:
- a. Develop or reaffirm the EEO policy in personnel actions;
 - b. Formally disseminate the EEO/AA policy internally and externally;
 - c. Establish responsibilities for implementation of the program;
 - d. Identify problem areas by organizational units and job classifications;
 - e. Establish goals and objectives by organizational units and job classifications with timetables for completion;
 - f. Develop and execute action-oriented programs designed to attain established goals and objectives;
 - g. Ensure compliance with personnel policies with the sex discrimination guidelines;
 - h. Actively support local and national community action and community services programs designed to improve the employment opportunities of minorities and women;
 - i. Oversee internal audit and reporting systems designed to ensure compliance and to permit monitoring of the program; and
 - j. Consider internal complaint procedures designed to expeditiously process and resolve complaints and grievances by employees or applicants for employment.
3. Regarding dissemination of the EEO/AA policy:

This [policy](#) is available to all through the College's online [policy manual](#) found on the Southwest website.

- a. Internal Dissemination
 - This policy and the AA plan are available to all employees through the Human Resources department.
 - The name of the College EEO/AA Officer may be obtained from the Human Resources department.
 - The College's statement on AA will be posted in conspicuous places as well as on the College's Human Resources webpage.
- b. External Dissemination
 - The College's non-discrimination policy will be communicated and copies will be distributed to minority and women's organizations, community action agencies, educational institutions with a large percentage of minorities and women in enrollment, educational publications, and referral agencies for veterans and persons with disabilities.

- Advertising efforts for employment will be placed in the minority news media as well as in other news media and will contain the phrase "AN EQUAL OPPORTUNITY EMPLOYER."
4. EEO and AA complaints made to external agencies (i.e., EEOC or THRC) will be investigated by the College in conjunction with TBR's Office of General Counsel. All complaints will be forwarded to the Office of General Counsel. Reports to the external agency will be prepared by the College and submitted to the Office of General Counsel for approval and forwarding to the agency. The attorney/client privilege will apply to the investigation and preparation of the reports.
 5. AA Plan
The AA program represents an assessment of the College's employment patterns and eliminates potential barriers to the EEO process. The goal of the AA program is to ensure EEO while maintaining high standards of academic excellence at the College. Accordingly, job qualification standards will not be lowered and the College is not required to intentionally hire unqualified candidates. The AA program requires that administrative personnel demonstrate good faith efforts to increase the access of minorities, women, veterans, and persons with a disability to all levels of employment and to provide a work environment free of discrimination.

The AA plan is applicable to all full-time personnel (faculty, professional, and clerical/support staff) of Southwest. It affects all areas of full-time employment. Part-time employees are not covered under the AA plan, however, part-time employment will be monitored and, if appropriate, administrative personnel may take action to ensure that minorities, women, veterans and persons with a disability are adequately represented among part-time personnel. In addition, supervisory staff will be encouraged to maintain minorities, women, veterans, and persons with a disability within their pool of potential employees for part-time employment.

B. Harassment Program

1. Southwest will be responsible for implementing Guideline TBR [P-080](#), Discrimination and Harassment – Complaint and Investigation Procedure.
2. The EEO/AA Officer will ensure the development of an educational program alerting students and employees to the non-harassment policy and guideline.
3. Under the direction and guidance of the TBR General Counsel, harassment complaints will be investigated. The College will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, ethnic or national origin, or other protected status.
4. Complaints involving discrimination or harassment between students are investigated and resolved by the Student Affairs or the Office of the Chief of Staff.

Nepotism

A. Relative Defined

For the purpose of this policy, relative means a parent, parent-in-law, foster parent, 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. Introduction

State nepotism law is designed to prevent occurrences whereby relatives who are employees of the state are in a direct supervisory line with respect to each other. In order to guard against these practices, the state prohibits governmental employees who are relatives from being placed within the same line of supervision where one (1) relative is responsible for supervising the job performance or work activity of another relative.

The College must apply the foregoing in a non-discriminating manner and ensure that the implementation of this policy does not adversely affect employees of one (1) sex over the other.

C. Hiring

In searching for qualified candidates for a new or vacated position, the College employees responsible for recruitment will evaluate individuals on their merits without consideration for their relationship to another employee. Prior to hiring any individual, the department wishing to hire the individual must conduct an analysis to assure compliance with state law.

To the extent possible, this policy will not prohibit two (2) or more relatives from working for the College. Moreover, the provisions of this policy are not to be construed to limit the hiring, promotion, or employment opportunities of any particular group of applicants.

D. Remedies

Violations may be remedied by voluntary transfer or, if an agreement cannot be reached, by involuntary transfer from a unit or position, or by termination if necessary.

When employees become in violation as a result of marriage, the violation may be resolved by means of transfer within the College, transfer to another TBR institution, or resignation within sixty (60) days.

E. Reprimand

Pursuant to Tennessee law, it is a Class A misdemeanor (punishable by up to 11 months and 29 days' jail time and a \$2,500.00 fine) for a state employee to knowingly or intentionally violate state nepotism law.

F. Exception

In the case of employment relationships that would otherwise violate this policy but were in effect prior to July 1, 1980, employment shall not be affected by this policy as long as

the relevant employees neither initiate nor participate in College decisions involving a direct benefit (retention, promotion, salary, leave, etc.) to a relative.

Source of Policy: _____ Responsible Administrator: VP of HR

TBR Guideline Reference: P-080; P-090

Related Policy: 5:01:00:00/0 5:01:02:00/29 TBR Policy Reference: 5.01.02.00; 5.01.00.06

Approved:  Date: January 22, 2024
President