

Austin Peay State
University

Equal Opportunity, Affirmative Action, and Nondiscrimination

POLICIES

Issued: March 25, 2017

Responsible Official: Director of Equal Opportunity and Affirmative
Action

Responsible Office: Office of Equal Opportunity and Affirmative
Action

Policy Statement and Statement of Nondiscrimination

It is the intent of Austin Peay State University (APSU) to fully comply with the applicable provisions of federal and state civil rights laws, including but not limited to, Executive Order 11246, as amended; Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972 as amended; the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended; 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; the Genetic Information Nondiscrimination Act of 2008; Section 485(f) of the HEA, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013, and regulations promulgated pursuant thereto. APSU will promote equal opportunity for all persons without regard to race, sex (including pregnancy), sexual orientation or gender identity, age (as applicable), color, religion, ethnic or national origin, disability status, status as a covered veteran, genetic information, and any other legally protected class.

In accordance with the statement of nondiscrimination, APSU shall not engage in practices which would discriminate against any individual or group because of race, color, religion, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information. 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.

APSU will take affirmative action to ensure that applicants for employment and employees are treated in a nondiscriminatory manner. Such action will include, but not be limited 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) Ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and
- (4) Ensure that all employment decisions are implemented without prohibited discrimination.

Similarly, in compliance with Title IX of the Educational Amendment of 1972, as amended, APSU shall not, on the basis of sex, 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.

Purpose

The purpose of this policy is to affirm that APSU will not tolerate discrimination or harassment against any employee, applicant for employment, contractor, or vendor, and will not subject any student to discrimination or harassment under any educational program and no student shall be discriminatorily excluded from participation in nor denied the benefits of any educational program on the basis of the protected categories listed in this policy.

Contents

Procedures

- Duties of the President
- Duties of the EEO/AA Officer

Links

- APSU Policy 6:004
- APSU Policy 6:001

Procedures

Duties of the President

The President shall be responsible for the development and implementation of the equal employment opportunity and affirmative action program as well as assuring that unlawful harassment is investigated and educational efforts regarding discrimination and 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 and reviewing the effectiveness of the program and recommending improvements to the President. The Director of Equal Opportunity and Affirmative Action has been designated as the EEO/AA officer for the University.
2. Assure 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 ensure 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 commitment to the university's access and diversity initiatives.
6. Designate a person on the campus to be responsible for gathering and reporting data related to equal employment opportunity and diversity.
7. Ensure 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 discrimination and harassment based on protected class statuses.

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 university legal counsel. All complaints will be forwarded to university legal counsel and any reports to the external agency will be prepared by the University and submitted to the university legal 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 ensure 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. The EEO/AA Officer will discuss the success of the EEO/AA program with the President and make recommendations regarding desirable changes.
2. Procedures to Address Claims of Discrimination or Harassment
- (a) The EEO/AA Officer will ensure the development of an educational program alerting students and employees to the nondiscrimination policy.
 - (b) Because different legal requirements apply to claims of discrimination and harassment depending on the protected category claimed to have been violated, separate policies describe the different procedures applicable based on particular protected categories.
 1. Allegations of sexual violence and/or stalking will be addressed pursuant to the procedures set forth in **APSU Policy 6:001 Sexual Violence and Stalking:**
<http://www.apsu.edu/policy/sexual-violence-and-stalking-6001>
 2. Allegations of discrimination and/or harassment based on categories other than sexual violence and/or stalking will be addressed pursuant to procedures set forth in **APSU Policy 6:004 Discrimination and Harassment Complaints (Other than Complaints of Sexual Violence**

and Stalking):
<http://www.apsu.edu/policy/discrimination-and-harassment-complaints-6004>

- (c) Complaints may be filed by any current or former student, applicant for employment, or current or former employee, contractor, vendor, or third party who believes he or she has been subjected to prohibited discrimination or harassment or who believes he or she has observed such activities taking place. Complaints against students alleging discrimination or harassment under either of the aforementioned policies are usually addressed by the Office of Student Affairs pursuant to the procedures outlined in the applicable policy. Complaints against administrators, faculty, staff, or contractors alleging discrimination or harassment under either of the aforementioned policies are usually addressed by the Office of Equal Opportunity and Affirmative Action pursuant to the procedures outlined in the applicable policy.

Links

APSU Policy 6:004 <http://www.apsu.edu/policy/discrimination-and-harassment-complaints-6004>
APSU Policy 6:001 <http://www.apsu.edu/policy/sexual-volence-and-stalking>

Revision Dates

APSU Policy 6:003 (previously 5:002) – Rev.: March 25, 2017
 APSU Policy 6:003 – Rev.: December 8, 2009
 APSU Policy 6:003 – Issued: April 4, 2007

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

Approved

President: signature on file

