

5.01.02.00 Equal Employment Opportunity



Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding equal employment opportunity across the TBR system.

Policy/Guideline

I. Introduction

- A. It is the intent of the Tennessee Board of Regents that the Board of Regents and all of the institutions within the Tennessee Board of Regents System will promote and ensure equal opportunity for all persons without regard to race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law, and shall fully comply with 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.
- B. It is the intent of the Board that each campus of the Board 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.

II. Statement of Policy

- A. The Board of Regents hereby reaffirms the policy of the Tennessee Board of Regents System, and all institutions included therein, that the System will not discriminate against any employee or applicant for employment because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law.
- B. Similarly, the System 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.
- C. The System will treat all individuals during the employment process without regard to their race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law. Such action shall 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. 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 personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and institution sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to any of the foregoing prohibited factors.

- D. It is and has been the policy of the Tennessee Board of Regents to maintain each campus 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.

III. Administrative Responsibility

- A. Duties of the Chancellor and/or System Equal Employment Opportunity Officer.

1. The Chancellor shall designate the person on the staff of the Board who shall serve as the Equal Employment Opportunity Officer (hereinafter EEO Officer) for the System and also designate an EEO Officer for the System Office.
2. The President of each institution shall appoint an EEO Officer and a Title IX Coordinator for the institution. If the EEO Officer and Title IX Coordinator are different people, then the President shall be responsible for ensuring that the Title IX Coordinator and the EEO Officer work together to comply with statutes, regulations, policies and guidelines, including, but not limited to, the duties assigned to the EEO Officer in this policy.
3. The institutional EEO Officer and the TBR System Office EEO Officer will receive, review, and investigate institution and system Office equal employment opportunity complaints and appeals and make recommendations regarding their disposition to the President in the

case of an institutional complaint and to the Chancellor regarding a system Office complaint.

4. If required by the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) and the Rehabilitation Act of 1973, each college and the system office shall create plans to comply with the non-discrimination requirements of those statutes.

5. Harassment

- a. Depending on the locus of the complaint, the Chancellor and Presidents are responsible for the final resolution of a harassment complaint.
- b. Investigation of Harassment Complaints
 - (1) The Office of General Counsel shall provide legal advice regarding investigations.
 - (2) The institution or system Office EEO Officer/Title IX Coordinator or designee will investigate and resolve all complaints of unlawful harassment as required by applicable policy and/or [P-080 Discrimination & Harassment - Complaint & Investigation Procedure](#).

- B. Duties of the President

1. Each institution President shall be responsible for complying with EEO laws and policies, including any plans and requirements that may be required by VEVRAA and the Rehabilitation Act, 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:
 - a. Appoint an EEO 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 EEO efforts and recommending improvements to the President.

- b. Provide positive leadership in the implementation EEO on the campus and ensure that appropriate attention is devoted to the program in staff and faculty meetings.
- c. 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.
- d. Assure policies and procedures are instituted to deal with all forms of harassment, including a procedure for the EEO Officer to receive and investigate complaints and recommend necessary action to the President.
- e. Designate the EEO Officer as the staff person responsible for the development and implementation of educational efforts regarding all types of harassment.

C. Duties of the EEO Officer

1. Equal Employment Opportunity

- a. The EEO Officer will develop and maintain an EEO program which shall include but not be limited to the following responsibilities:
 - (1) The institution/System Office EEO Officer will receive, review and investigate equal employment opportunity complaints and appeals and make recommendations to the President or Chancellor regarding their disposition, unless policy or guideline requires otherwise.

- (2) Equal employment opportunity complaints made to external agencies, i.e. EEOC or THRC, will be investigated by the institution or system Office EEO 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 institution 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.
- (3) The EEO Officer will develop and maintain an EEO program which shall include:
 - (a) Developing or reaffirming the institution's equal employment opportunity policy in all personnel actions;
 - (b) Formal internal and external dissemination of the policy;
 - (c) Establishing responsibilities for implementation of the program;
 - (d) Identifying problem areas by organizational units and job classifications;
 - (e) Establishing goals and objectives by organizational units and job classifications, with timetables for completion;

- (f) Developing and executing action-oriented programs designed to attain established goals and objectives;
- (g) Ensuring compliance of personnel policies with prohibitions against sex discrimination;
- (h) Internal audit and reporting systems designed to insure compliance and to permit monitoring of the program; and
- (i) Internal complaint procedures designed to expeditiously process and resolve complaints and grievances by employees or applicants for employment.

2. Anti-Harassment Program

- a. Each institution and System Office EEO Officer will be responsible for implementing [P-080 Discrimination & Harassment - Complaint & Investigation Procedure](#).
- b. The EEO Officer will ensure the development of an educational program alerting students and employees to the non-harassment policy and guideline.
- c. The institution or System Office EEO Officer will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, ethnic or national origin, or other protected status and obtain advice from the Office of General Counsel.

Sources

Authority

T.C.A. § 49-8-203; All Federal and State statutes, codes, Acts, Executive Orders, rules and regulations referenced in this policy.

History

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; June 19, 2009; Revisions approved at August 12, 2020 Special Called Board Meeting; Ministerial Revisions February 14, 2025.

Related Policies

[P-080 Discrimination & Harassment - Complaint & Investigation Procedure](#)