

STATEMENT OF COMMITMENT TO DIVERSITY AND EQUAL OPPORTUNITY

Approved by the University of Tennessee Board of Trustees
December 11, 2001

The primary mission of the University of Tennessee is to provide quality educational opportunities for the people of this state. Essential components of a quality education include an outstanding and diverse faculty, first-class facilities, and an environment conducive to learning. The Board of Trustees is committed to achieving each of these essential components at the University of Tennessee.

One measure of the quality of an educational experience is the extent to which it enables the recipient to compete and be productive in the marketplace and contribute to the quality of life. Through the expansion of transportation and communication systems, the marketplace continues to become more diverse and global in nature. The Board of Trustees recognizes that diversity in the educational environment adds value to the educational experience and the degree earned. This value-added experience prepares the graduate to contribute more effectively to society and to compete more effectively in the global marketplace of the 21st century.

As the University of Tennessee enters its third century of service to the people of Tennessee, the state is experiencing significant demographic changes reflective of national demographic trends. The Board of Trustees recognizes that the University must meet the challenge of providing educational and employment opportunities for this changing population.

The Board of Trustees specifically affirms its commitment to the requirements, objectives, and spirit of the court-approved Consent Decree in the desegregation litigation known as *Geier v. Sundquist*. The Board is committed to achieving the Consent Decree's ultimate objective of a racially unitary system of public higher education in Tennessee and elimination of any policy or practice traceable to the racially segregated system of higher education that once existed in Tennessee by law. The Board is also committed to making employment and promotion decisions unfettered by the discriminatory practices of the former system. To these ends, the Board expressly reaffirms the University's policy of nondiscrimination in all aspects of university life, including financial aid, extracurricular activities, hiring, promotion and retention of employees, and the recruitment, enrollment and retention of students. Consistent with the continuing duty to eliminate any vestiges of the former racially segregated system, the Board recognizes the need for the University to engage in a variety of remedial initiatives to attract and retain African-American faculty, staff, and students. The Board of Trustees hereby directs the University administration to engage in vigorous compliance with the letter and spirit of the Consent Decree and to report periodically to the Board on compliance activities and achievements. The Board further directs that any performance evaluation of department heads, deans, vice chancellors, provosts, and chancellors/vice presidents of each campus and institute include a review of performance with respect to the requirements and objectives of the Consent Decree.

It is the vision of the Board of Trustees for the University of Tennessee to become a university of choice where faculty, staff, and students of diverse backgrounds and cultures choose to affiliate; where all people are treated with respect, understanding, and fairness; and where a quality educational experience enhances the growth and development of all served. Achievement of this vision is the administrative responsibility of the University administration, beginning with the President and including the administrative staff of each campus and institute.

UNIVERSITY OF TENNESSEE SYSTEM POLICY HUMAN RESOURCES

POLICY NO.: HR0220 **SUBJECT:** EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION

EFFECTIVE: 01/01/2000

REVISION NO: 8

OBJECTIVE:

To establish and define the university policy concerning fair employment practices and to ensure equal employment opportunity to all university employees and applicants for employment.

POLICY:

1. It is the policy of the University of Tennessee not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, disability, age, or being a disabled veteran or veteran of the Vietnam Era. This policy extends to recruitment, employment, promotion, demotion, transfer, layoff, termination, compensation, training, benefits, and all other terms and conditions of employment.
2. Employment opportunities will not be distinguished on the basis of sex unless sex is a bona fide occupational qualification. Employment opportunities will not be distinguished on the basis of age except where age is reasonably taken into account as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity administered by the university.
3. The university will take affirmative action to recruit, employ, and advance in employment minorities, women, disabled veterans, and veterans of the Vietnam Era. Reasonable accommodations will be made for otherwise qualified disabled veterans and persons with disabilities in accordance with Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
4. The university prohibits any retaliatory action against an employee for opposing a practice that he or she believes to be discriminatory, including the filing of an internal complaint or grievance or charge with a state or federal civil rights enforcement agency.
5. Each unit will promulgate an Affirmative Action plan for the implementation of the above commitment. Also, each unit will provide a complaint procedure for equal employment opportunity and discrimination complaints. Affirmative Action plans will be publicized and made available to employees.

PROCEDURES:

Knoxville:

Health Science Center: http://www.utmem.edu/policies/w932_document_show.php?p=354

Space Institute: <http://personnel.utsi.edu/procedures/proc220.html>

Chattanooga: <http://www.utc.edu/Administration/HumanResources/Policies/Proc220.pdf>

Martin:

**THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA
PERSONNEL PROCEDURES**

SECTION 200
Procedure 220
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**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY AND
 AFFIRMATIVE ACTION**

EFFECTIVE: 11/01/98

OBJECTIVE:

To provide guidelines in support of the ongoing commitment to the principles of equal employment opportunity and affirmative action by the University of Tennessee at Chattanooga.

PROCEDURE:

A. Affirmative Action Plan Development

The Director of Affirmative Action is responsible to develop an Affirmative Action Plan for the University of Tennessee at Chattanooga on an annual basis. This Plan outlines affirmative action goals and sets forth guidelines for achieving these goals. The Affirmative Action Plan is available for review in the offices of the Director of Affirmative Action; the Director of Personnel Services; each Vice Chancellor; and in Lupton Library.

B. Recruitment

Staff exempt and staff non-exempt position vacancies are advertised and filled in compliance with affirmative action guidelines. Requirements for advertising, recruiting and filling positions are found in Procedure 143, Recruiting.

Personnel Services assists in the implementation of the Affirmative Action Plan as it relates to staff non-exempt and staff exempt positions. Personnel Services is required to maintain records of all application materials for advertised staff exempt (note exceptions below) and non-exempt positions for a period of at least ten years. The hiring authority (academic department, Dean's Office, Office of the Chancellor, etc.) is responsible for the maintenance of application materials for faculty and coaching positions and for administrative positions covered under the Geier agreement (academic department head, dean, vice chancellor). Such application materials are to be maintained for a period of at least ten years.

Advertisements for staff exempt (note exceptions below) and non-exempt positions which are placed in newspapers, journals, or other media must be approved by Personnel Services. Advertisements for faculty and coaching positions, and for positions covered under the Geier Agreement (academic department head, dean, and vice chancellor) are approved by the Director of Affirmative Action.

All recruiting advertisements must contain the statement, "The University of Tennessee at Chattanooga is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA employer".

C. Complaint Procedure

A civil rights complaint, including a complaint of sexual harassment, may be filed by any present or former employee of the University of Tennessee at Chattanooga or any applicant for employment at UTC, who believes that he/she has been subjected to discrimination on the basis of race, color, gender, religion, national origin, age, disability, or veteran status. University policy strictly prohibits retaliation against any person who, in good faith, opposes a practice which he/she believes to be discriminatory. Complaints of discrimination should be directed to the Office of Affirmative Action, 104 Founder's Hall, The University of Tennessee at Chattanooga, 615 McCallie Avenue, Chattanooga, TN, 37403 [telephone (423) 755-4124]. **The complaint must be filed within 300 calendar days of the alleged discrimination.** In certain circumstances, at the discretion of the Affirmative Action Officer, complaints filed outside of this time limit or that are not put in writing, as provided for below, may be investigated informally.

Employees are encouraged to attempt to resolve a complaint through the administrative structure of the employment unit. The Office of Affirmative Action will provide assistance to the employment unit in order to resolve the complaint.

Supervisors and other administrators who become aware of unlawful discrimination or harassment must take immediate and appropriate action to stop such practices or behaviors and prevent their recurrence. It is the responsibility of the administrator, who receives a complaint or becomes aware of the existence of unlawful discrimination or harassment, to contact the Director of Affirmative Action to seek counsel regarding appropriate action. The Director of Affirmative Action will provide assistance to the employment unit in order to resolve the complaint or investigate situations in which unlawful discrimination or harassment may exist.

Complaints received directly by the Director of Affirmative Action will be reported to the appropriate administrator, who will attempt to resolve the matter working in collaboration with the Affirmative Action Office. Confidentiality will be maintained **to the extent possible.**

If the complaint is not resolved by informal means, the Office of Affirmative Action will use the following procedure:

1. The complaint should be submitted in writing to Director of Affirmative Action. The complaint must include (a) the name of the complainant, (b) an explanation of the action or conduct which is the subject of complaint, (c) the name of the person or department responsible for the action, (d) the resolution sought by the complainant. The party against whom the complaint has been lodged (respondent) and the head of the responding employment unit will be notified of the complaint.

The Director of Affirmative Action will conduct an investigation, the nature and scope of which will be determined by the Director of Affirmative Action on a case-by-case basis.

If an investigative committee is deemed appropriate, the relevant Vice Chancellor or the Chancellor (in the event that the complaint is made against a Vice Chancellor or other member of the Chancellor's staff) will be asked by the Office of Affirmative Action to appoint the members of such a committee. The Director of Affirmative Action may assist the Vice Chancellor or Chancellor in appointing committee members. Members of the committee shall be current employees of the University of Tennessee at Chattanooga. The Director of Affirmative Action shall be the non-voting chair of the committee.

The investigative committee, or the Director if there is no investigative committee, will determine whether sufficient evidence exists to support a charge of unlawful discrimination. That determination, together with a statement outlining the basis for it, will be transmitted by the Director as a recommendation to the appropriate Vice Chancellor or Chancellor, as appropriate, together with a summary of the investigation.

The appropriate Vice Chancellor or the Chancellor will review the matter, make a determination, and notify the complainant of the decision in writing. Within fifteen workdays after receipt of that decision, complainants who are in staff non-exempt positions may pursue a grievance under UTC Personnel Policy and Procedure 640, if they are not satisfied with the determination.

If the complainant is not satisfied with the determination of the Vice Chancellor, and is not eligible to or has not elected to file a grievance, the complainant may appeal to the Chancellor in writing within ten (10) workdays after receipt of the Vice Chancellor's decision. The decision on the appeal will be provided in writing to the complainant within fifteen (15) workdays of its receipt in the Office of the Chancellor. Decisions by the Chancellor are final.