

APPENDIX

**Table I. Responsibilities for Implementation of the
Nashville State Affirmative Action Plan**

Action	Responsible Unit/Person	Frequency	Next Date for Completion
1. Develop policy statement; review and publish Affirmative Action Plan.	Director of HR/Affirmative Action	Annually	January 2005
2. Perform Job Group and Availability Analyses.	Director of HR/Affirmative Action	Annually	January 2005
3. Identify areas of underutilization.	Director of HR/Affirmative Action	Annually for Plan/Quarterly for Hiring Process	January 2005/ April, July, October 2005
4. Set goals and timetables.	Vice Presidents and Deans	Annually	January 2005
5. Display AA/EEO posters and Nashville State AA policy statement.	Director of HR/Affirmative Action	Continuously	
6. Ensure that no employee is treated in a discriminatory manner with regard to any aspect of employment.	Line officers, including President, Vice Presidents, Deans, Division and Department Heads, and other Supervisors	Continuously	
7. Keep informed regarding AA/EEO regulations and guidelines.	Line officers, as cited above	Continuously	
8. Ensure that Affirmative Action policy is stated in College publications, e.g., catalog, newsletters.	Director of HR/Affirmative Action	Continuously	
9. Communicate Affirmative Action policy through staff meetings.	Director of HR/Affirmative Action; Executive Committee; all Supervisors	At Least Annually	
10. Inform new supervisory personnel of the Affirmative Action Program.	Director of HR/Affirmative Action	New Employee Orientation	
11. Send job announcements to minority and female organizations.	Director of HR/Affirmative Action	Continuously	
12. Ensure that College complies with its Affirmative Action Plan, through audits and monitoring.	Director of HR/Affirmative Action (Audits); all Supervisors	Annual Audit/Continuous Monitoring	
13. Process and resolve harassment/discrimination complaints or grievances by employees or applicants.	Director of HR/Affirmative Action	As Needed	
14. Invitation mailed out to all employees to self report disability and veteran status.	Director of HR/Affirmative Action	Annually	November 2004
15. Review of personnel practices reveals no barriers to proper consideration of qualifications of handicapped persons and veterans.	Office of Human Resources	Continuously	
16. Review mental and physical job requirements to ensure that only necessary requirements are listed on job descriptions for each vacancy that occurs. Any job description containing a physical requirement which does not appear to be job-related will be returned to department for notification or revision.	Affirmative Action Office, Office of Human Resources	Continuously	

**Table I. Responsibilities for Implementation of the
 Nashville State Affirmative Action Plan**

Action	Responsible Unit/Person	Frequency	Next Date for Completion
17. Assure reasonable accommodations for limitations of workers with disabilities by making certain that all supervisors are advised of responsibility to make reasonable accommodations for limitations.	Affirmative Action Office, Office of Human Resources, Vice Presidents, Deans, Department Heads, Directors, and Supervisors	Continuously	
18. Review recommendations from supervisors to ensure that reasons for failure to hire or promote applicants with disabilities are valid in light of job requirements.	Affirmative Action Office, Office of Human Resources	Continuously	
19. Monitor referrals, new hires, and promotions to measure effectiveness of Affirmative Action Program.	Affirmative Action Office, Office of Human Resources	Continuously	
20. Post all suitable employment openings with the State Employment Office.	Office of Human Resources	Continuously	

TABLE II. SALARY CODE		
Code	Minimum	Maximum
1	12,270	17,252
2	13,250	18,978
3	14,586	20,890
4	16,055	22,995
5	17,655	25,285
6	19,422	27,816
7	22,377	30,621
8	23,520	33,683
9	25,875	37,054
10	27,168	38,906
A	19,500	25,500
B	20,000	35,000
C	30,000	45,000
D	40,000	75,000
F (Faculty)	25,900	43,100

TABLE III. EEO CATEGORIES	
EEO-1	Executive, Administrative and Managerial
EEO-2	Faculty
EEO-3	Professional/Non-faculty
EEO-4	Clerical and Secretarial
EEO-5	Technical and Paraprofessional
EEO-6	Skilled Crafts
EEO-7	Service/Maintenance

MISSION STATEMENT

The mission of Nashville State Technical Community College is to provide comprehensive educational programs, progressive partnerships, exemplary services, and responsible leadership to improve the quality of life for the communities it serves.

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY INTERNAL AUDIT

Purpose: To provide a systematic approach for the college to conduct its own internal audit of its Affirmative Action Plan, to identify problem areas, and to take corrective actions.

Procedure: The Affirmative Action Officer, throughout the year, shall conduct random interviews with department and division heads, deans, and other supervisors using **Form AA1 ("Potential Problem Areas: A Checklist")**.

When a problem is identified, the Affirmative Action Officer shall request that the appropriate person responsible respond by completing **Form AA2**, and will report any such problems and recommend corrective actions to the appropriate executive officer of the college.

Report of audit reviews will be provided to the President, along with appropriate recommendations. Records of these audit interviews and completed forms shall be maintained by the Affirmative Action Officer.

The Office of Human Resources shall complete and maintain records of applicants, placements, promotions, transfers, training, and terminations.

Potential Problem Areas: A Checklist
(from Executive Order 11246, 41-CFR 60-2.23(b))

	Department/ Division Heads		Director/ Vice President		Personnel	
	Yes	No	Yes	No	Yes	No
1. Are minorities or women underutilized in specific job groups?						
2. Is lateral and/or vertical movement of minorities or female employees occurring at a lesser rate than that of non-minorities or male employees?						
3. Does the selection process eliminate a significantly higher percentage of minorities or women?						
4. Are application and related pre-employment forms in compliance with Federal regulation?						
5. Do position descriptions accurately reflect actual functions and duties?						
6. Do formal or scored evaluations accurately reflect actual job requirements and apply equally to all applicants?						
7. Does the referral ratio of minorities or women to the hiring supervisor indicate a significantly higher percentage are being rejected as compared to non-minorities and male applicants?						
8. Are minorities or women excluded from or not participating in Institute-sponsored activities or programs?						
9. Does de facto segregation exist at any Nashville State facility or site?						
10. Do seniority provisions contribute to overt or inadvertent discrimination (disparity by minority/female groups between length of service and types of job held)?						
11. Do managers, supervisors, or employees fail to support Nashville State's Affirmative Action policy?						
12. Are women or minorities underutilized or significantly under represented in training or career improvement programs?						
13. Is there a lack of formal techniques established for evaluating the effectiveness of EEO programs?						
14. Does lack of access to suitable housing inhibit recruitment efforts and employment of qualified minorities?						

Potential Problem Areas: A Checklist (from Executive Order 11246, 41-CFR 60-2.23(b))						
	Department/ Division Heads		Director/ Vice President		Personnel	
	Yes	No	Yes	No	Yes	No
15. Does lack of suitable transportation (public or private) to the Nashville State work place inhibit minority employment?						
16. Are labor unions and subcontractors notified of their responsibilities?						
17. Are EEO/AA posters on display?						

Signed

Position

If response to items 2-3 and 10-15 is YES (or NO 4-6 and 16-18), the responsible person (department or division head, director, dean, vice president, personnel office) should complete FORM AA2.

Form AA2

Action Plan for Responding to Identified Problem Area

Item # ____ (1 through 19 from Form AA1)

Protected Group Affected by Problem: _____ (women/minorities)

Nature of Problem/Circumstances:

Objectives (commitment to alleviate the problem):

Action (concrete, specific action or actions to be taken to meet the objective):

Action	Person(s) Responsible (name, title, phone #)	Target Date (action to be completed by)	Accomplishment Date (actual date action was completed)

Results of Action(s) to Resolve Problem(s)
 (to be completed at end of Fiscal Year for which the action plan was written)

Action accomplished? Yes ____ No

If no, discuss difficulties encountered:

Methods chosen to address difficulties:

Degree to which action was successful as a means for meeting the objective:

POLICY DISSEMINATION

Internal Dissemination

1. Copies of the Affirmative Action Plan, which include the Nashville State Affirmative Action Policy Statement, shall be distributed to all deans, vice presidents, and the president of the college. All levels of supervisory personnel shall receive copies of the Affirmative Action Policy Statement, as well as information relative to goals set forth in each category.
2. Each vice president assumes the responsibility for reviewing the Affirmative Action Plan with his/her branch staff at least annually.
3. The Affirmative Action Plan will be reviewed annually, as deemed appropriate by the President.
4. A reminder to all employees that a copy of the Plan is available in the Affirmative Action public folder in Outlook for their perusal shall appear annually, along with a notice that the Affirmative Action Plan (minus statistical data) is available on electronic mail to all faculty and staff on their personal computers.
5. All new employees shall be advised of the Affirmative Action Plan during employee orientation by the Office of Affirmative Action.

External Dissemination

1. A copy of Nashville State's non-discrimination policy shall be provided to employment sources by the Office of Human Resources.
2. The non-discrimination statement shall appear on all employment advertisement.
3. Nashville State shall notify all subcontractors, vendors, and suppliers covered by Executive Order 11246 of its commitment to Equal Opportunity Employment.
4. The non-discrimination policy statement shall appear in the college's official catalog.

NASHVILLE STATE TECHNICAL INSTITUTE

STEPS FOR HIRING PROCESS

1. A position is declared vacant and permission to hire is received through an **Affirmative Action Search Plan** (see Appendix). Vacant positions may then be filled through transfer, promotion, or an internal/external search. Permanent positions (all regular part- and full-time) must then be advertised in-house for five (5) working days prior to beginning an outside search. In cases where no internal candidates are anticipated, positions may be advertised simultaneously (internally/externally).
2. The hiring supervisor and appropriate vice president set the minimum qualifications for the position. When a search committee is involved, committee members must be given the opportunity to familiarize themselves with the minimum qualifications (job standards). The committee may not interview anyone who does not meet the minimum qualifications.
3. The hiring supervisor notifies the Director of Human Resources/Affirmative Action who completes Step 1 of the **Affirmative Action Search Plan**. The hiring supervisor attaches a job description in ADA format outlining the agreed-upon qualifications and an advertisement for advertising of the position. Any requirements stated in the job advertisement must be stated in the job standards section of the job description. Educational requirements must also match the job description. The **Affirmative Action Search Plan** is routed, for approval, to the search committee chair or hiring supervisor, who will forward the document to the appropriate office.

Criteria by which candidates will be judged should be valid, realistic, and consistent with the job description. The identification of these criteria, in advance, is required and helps ensure fair and equal treatment in the evaluation and screening of candidates.

Advertisements for all regular full-time and part-time classified, faculty, administrative, and professional-level positions will be open until the positions are filled. The statement, *Nashville State is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA Employer*, must appear on all advertisements and notices. Advertisements should also be placed with black organizations and female organizations in order to ensure that the outreach and recruitment program reaches these audiences. In order for positions to be advertised the following weekend, completed information must reach the Office of Human Resources by 4:30 p.m., on Tuesday afternoon.

A file will be established in the Office of Human Resources for each open position. The file will contain items required in the position announcement and other documentation required for the hiring process. Once the hiring process has been completed, all search documentation will be maintained in the Office of Human Resources.

4. The Director of Human Resources/Affirmative Action is responsible for recruiting applicants and evaluating applicants against the published minimum qualifications in areas where no underutilization exists. The director is also responsible for evaluating applicants against the published minimum qualifications in areas where underutilization exists. Those not meeting the minimum qualifications will be excluded from further consideration.

If the minimum qualifications are not objective and quantifiable, a complete description of the acceptable qualifications must be forwarded to the Human Resources office prior to the screening of applications. For example, the statement "or a related degree" requires that a list of acceptable degrees be forwarded to the Office of Human Resources.

5. Without exception, only applicants who meet the minimum qualifications may be considered for an interview. All offices involved in the hiring action are expected to enforce this standard.
6. The Director of Human Resources/Affirmative Action should be alert to underutilization (especially if significant and historical) and any action that eliminates any identifiable group from having an equal opportunity. In cases where there is no underutilization or charges of discriminatory behavior, the Affirmative Action office has a neutral role. In cases where there is underutilization, all qualified black/female candidates from the underutilized group must be considered and a minimum of two must be interviewed (unless fewer than two candidates in the underutilized group meet the minimum qualifications).

In addition, in all categories where underutilization exists, search committees must include a peer from the underutilized category, i.e., if underutilization exists for females in faculty, a female faculty member will be included on the search committee (unless there is no peer from the underutilized group available on campus).

Search committee chairs should receive forms for the search process from the Office of Human Resources, along with a copy of this policy in order to ensure compliance with policy. The chairperson should represent the hiring unit. Search committees are not applicable for regular full-time and part-time classified staff positions.

Search committees should not be limited to members of one department or office. Search committees should include minorities and/or women. These individuals are valuable especially in providing direct access to informal and formal professional networks that serve both groups and in creating an ambiance that is equally empathetic to all candidates interviewed.

7. Candidates are selected for interview by the search committee or hiring supervisor; candidates names are listed under step 3 of the **Affirmative Action Search Plan**. The candidate pool is then approved by the chain of command. Interviews may be set by the search committee, department secretary, or the Human Resources office. When utilizing the Human Resources office, three days advance notice should be given prior to the date on which the interviews are to be scheduled.

8. The search committee recommends unranked candidates for employment. Three candidates must be recommended (listed in alphabetical order) on the **Affirmative Action Search Plan**. The **Recommendation To Hire** form must then be completed by the hiring supervisor to list the three final candidates (in order of preference). If fewer than three candidates are listed, an explanation must be provided which addresses the qualifications of at least three applicants. Once the three final candidates have been identified and approved by the hiring supervisor, vice president and Director of Human Resources/Affirmative Action, the recommendation is then sent to the President.

Hiring supervisors should note that it is their responsibility to check references prior to recommending final candidates.

Step 5 of the **Affirmative Action Search Plan**, which contains Affirmative Action information must be completed by the Human Resources office.

The Human Resource Office will rate the education and experience of the final candidate, as well as the skill level. The Director of Human Resources will enter all data into the Nashville State Salary Equity Model and determine the salary recommendation.

9. The President may select a candidate listed on the **Recommendation to Hire**. If none of those recommended are acceptable, additional interviews will be required or the search closed. In the case of the latter, the process will revert to step 1.

General Information

Members of the search committee are reminded that their role is to recommend candidates for the position, not to appoint the faculty and staff of Nashville State. If a member is not satisfied with that role, he/she should decline to participate.

Once the hiring process begins, no information should be released by anyone except the Human Resources office, which will release only public information. Requests for public information must be made in writing.

Waivers to policy and procedures are discouraged. However, unusual circumstances may justify an exception. A petition for exception must be submitted to the Director of Human Resources/Affirmative Action. Upon recommendation of the Director of Human Resources/Affirmative Action, an exception may be approved by the President/Designee. It is unlikely that exceptions will be approved in cases of underutilization.

New Employee Orientation

Name _____
Date of Hire _____
Position/Title _____
Supervisor _____
Orientation By _____
Signature/Date _____

- | | |
|--|---|
| <input type="checkbox"/> Contract/Job Description | <input type="checkbox"/> Credit Union |
| <input type="checkbox"/> Transcripts (if applicable) | <input type="checkbox"/> Group Banking |
| <input type="checkbox"/> Immigration I-9/W-4 | <input type="checkbox"/> Optional Annuities (401k/403b) |
| <input type="checkbox"/> Employee Orientation Notebook | <input type="checkbox"/> Savings Bonds |
| <input type="checkbox"/> Emergency Questionnaire | <input type="checkbox"/> Outside Employment/Political Affiliations |
| <input type="checkbox"/> Disclosure Form | <input type="checkbox"/> Grievance/Complaint Procedures |
| <input type="checkbox"/> ID Cards | <input type="checkbox"/> HR Records (Retention, Privacy) |
| <input type="checkbox"/> Pay Periods, First Pay/ Direct Deposit | <input type="checkbox"/> Student Records |
| <input type="checkbox"/> Performance Evaluations | <input type="checkbox"/> UMB Bank |
| <input type="checkbox"/> Assemblies/Senate | <input type="checkbox"/> Educational Benefits |
| <input type="checkbox"/> Holidays | <input type="checkbox"/> Internet Access |
| <input type="checkbox"/> Leave | <input type="checkbox"/> Medical Insurance |
| <input type="checkbox"/> Leave Beneficiary | <input type="checkbox"/> TENNCARE Notice |
| <input type="checkbox"/> Reporting Illness | <input type="checkbox"/> Basic Life and AD&D Insurance |
| <input type="checkbox"/> Leave Without Pay | <input type="checkbox"/> Optional Special Accident |
| <input type="checkbox"/> Sick Leave Banks | <input type="checkbox"/> Optional Life Insurance |
| <input type="checkbox"/> FMLA | <input type="checkbox"/> Long-Term Disability |
| <input type="checkbox"/> Policies | <input type="checkbox"/> Previous Employment with State/Spouse with State |
| <input type="checkbox"/> Evacuation and Safety Plan | <input type="checkbox"/> Long-Term Care |
| <input type="checkbox"/> Affirmative Action | <input type="checkbox"/> Dental Insurance |
| <input type="checkbox"/> Means of Communication | <input type="checkbox"/> Cancer Care/Intensive Care |
| <input type="checkbox"/> Parking Permits | <input type="checkbox"/> Fringe Benefits Management |
| <input type="checkbox"/> Inclement Weather | <input type="checkbox"/> Employee Assistance Program (EAP) |
| <input type="checkbox"/> Reporting Injury/Workers' Comp | <input type="checkbox"/> Retirement |
| <input type="checkbox"/> FLSA | <input type="checkbox"/> Charitable Contributions/Foundation |
| <input type="checkbox"/> Longevity | <input type="checkbox"/> Campus Sex Crimes Prevention Act |

EMPLOYEE DISABILITY/VETERAN STATUS DISCLOSURE INFORMATION

College employees were given an opportunity to voluntarily identify their disabilities and veteran status, for inclusion in the Affirmative Action Plan. The following is a breakdown of those who indicated disability and veteran status:

EMPLOYEE DISCLOSURE	
DISABILITY STATUS	COUNT
No Disability	73
Upper & Lower Extremities e.g., amputation, finger disability	1
Trunk, Spine & Abdominal defects, e.g., hernia, disk, spinal fusion	1
Vision Impaired	4
Hearing Impaired	3
Speech Impaired	0
Cardiovascular	1
Respiratory, except Asthma	1
Widespread Paralysis or Muscular Dysfunctions, e.g., multiple sclerosis, paraplegia, cerebral palsy, epilepsy, Parkinson's disease	1
Neuropsychiatric, e.g., personality disorder, head injuries, alcoholism and drug addiction (Rehabilitated Drug User Only)	1
Retardation, e.g., mentally retarded	0
Skin, Cosmetic & Allergy Conditions, e.g., facial disfigurement, asthma, allergic dermatitis, skin disease	0
Generalized or Systemic Disease, e.g., diabetes, arthritis, leukemia, cancer, diseases of the blood	8
Gastrointestinal, e.g., ulcer, colitis, colostomy	1
Genitourinary	0
Other disabilities	5
VETERAN STATUS	COUNT
Disabled Veteran	1
Vietnam	6

SOURCES FOR AVAILABILITY DATA

Nashville MSA (Metropolitan Statistical Area) Affirmative Action Data - 2000 Census, Provided by Nashville EEOC Office.

Tennessee Data for Affirmative Action Plans, Tennessee Department of Employment Security, Nashville, 2005 Supplement.

Tennessee Affirmative Action Data - 2000 Census, Provided by Nashville EEOC Office.

Southern Regional Educational Bureau, 1997-98 IPEDS Completers, Provided by Tennessee Board of Regents.

TRB Guideline No. P-080

SUBJECT: Harassment - Sexual or Racial

I. Purpose

The purpose of this guideline is to supplement Board policies 2:02:10:01 and 5:01:02:00 relative to the orderly resolution of complaints of sexual or racial harassment at the institutions, technology centers, and office of the Tennessee Board of Regents. Fair and prompt consideration shall be given to all complaints of harassment in accordance with the procedures set forth below. These procedures may be utilized by any employee, applicant for employment or student who believes he or she has been subjected to sexual or racial harassment. Former employees or students may file complaints concerning conduct which took place during the time of employment or enrollment provided the complaint is timely filed, and the conduct has a reasonable connection to the institution.

The institution must take measures to periodically educate and train employees regarding conduct that could constitute a violation of this guideline. All employees, including faculty members, are expected to participate in such education and training and to be knowledgeable of policies and guidelines concerning harassment.

All faculty members, students and staff are subject to this guideline. Any faculty member, student or staff found to have violated this guideline by engaging in behavior constituting sexual or racial harassment will be subject to disciplinary action which may include dismissal, expulsion or termination, or other appropriate sanction.

All faculty members, students and staff, particularly management and supervisory personnel, are responsible for taking reasonable and necessary action to prevent and discourage sexual or racial harassment, and are required to promptly report conduct that could be in violation of TBR and institutional policies and guidelines. Such reporting should occur when information concerning a complaint is received formally or informally.

II. General Statement

Sexual harassment and racial harassment have been held to constitute forms of discrimination prohibited by Title VI, Title VII of the Civil Rights Act of 1964, as amended and Title IX of the Educational Amendments of 1972. An institution or technology center may be held liable pursuant to Title VI or Title VII and/or lose federal funds pursuant to Title IX for failure to properly investigate and remedy claims of sexual or racial harassment.

A. Sexual Harassment

Generally, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

1. submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program,

course or activity;

2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating, hostile or offensive work or educational environment.

Sexual harassment can take many forms, but most sexual harassment falls into three categories:

verbal, visual, and physical. Some examples of behavior that may constitute sexual harassment are:

- Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances.
- Promising a work-related benefit or a grade in return for sexual favors.
- Suggestive or inappropriate communications, e-mail, notes, letters, or other written materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments.
- Sexual innuendoes, comments, and remarks about a person's clothing, body or activities.
- Suggestive or insulting sounds.
- Whistling in a suggestive manner.
- Humor and jokes about sex that denigrate men or women.
- Sexual propositions, invitations, or pressure for sexual activity.
- Use in the classroom of sexual jokes, stories, remarks or images in no way germane to the subject matter of the class.
- Implied or overt sexual threats.
- Suggestive or obscene gestures.
- Patting, pinching, and other inappropriate touching.
- Unnecessary touching or brushing against the body.
- Attempted or actual kissing or fondling.

- Coerced sexual intercourse.
- Sexual assault.

The examples listed above are not exclusive, but simply represent types of conduct that may constitute sexual harassment. Campus policies may delineate additional examples.

Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes sexual harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of sexual advances in the context within which the alleged incident occurs. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Please note that sexual assaults may be criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may supersede or occur in addition to the process developed under this Guideline.

B. Racial Harassment

Generally, racial harassment is defined as any person's conduct which unreasonably interferes with an employee's or student's status or performance by creating an intimidating, hostile, or offensive working or educational environment. Harassment on the basis of race, color, or national origin, includes offensive or demeaning treatment of an individual, where such treatment is based on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual because of his/her race, color, or national origin. Title VII requires employers to take prompt action to prevent bigots from expressing their opinions in a way which abuses or offends their coworkers.

III. Consensual Relationships

Intimate relationships between supervisors and their subordinates, between faculty members and students are strongly discouraged due to the inherent inequality of power in such situations. These relationships could lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity.

Engaging in a consensual relationship with a student over whom the faculty member has either grading, supervisory, or other evaluative authority (i.e., member of dissertation committee, thesis director, etc.) constitutes a conflict of interest. The faculty member must take steps to remove the conflict by assigning a different supervisor to the student; or resigning from the student's academic committees; or by terminating the relationship at least while the student is in his/her class. Likewise, it is a conflict of interest for a supervisor to engage in a consensual relationship with a subordinate over whom he or she has evaluative or supervisory authority. The supervisor must take action to resolve the

conflict of interest by, for example, assigning another individual to supervise and/or evaluate the subordinate.

IV. Procedures

A. General

1. The following procedures are intended to protect the rights of the aggrieved party (hereinafter "the Complainant") as well as the party against whom complaint of harassment is lodged (hereinafter "the Respondent"), as required by state and federal laws. Each complaint must be properly and promptly investigated and, when warranted, appropriate disciplinary action taken against the Respondent.

2. The Office of General Counsel shall always be consulted prior to investigation. If institutions have on-campus legal counsel, that office must be consulted. Hereinafter, references to "Legal Counsel" shall mean either the Office of General Counsel or on-campus legal counsel, as appropriate.

3. In situations that require immediate action because of safety or other concerns, the institution may take any disciplinary action which is appropriate, e.g., suspension with pay pending the outcome of the investigation. Legal Counsel should be contacted before any immediate action is taken.

4. Each employee, applicant for employment and student shall be notified of the name, office, and telephone number of the designated EEO/AA, Student Affairs, Title VI or Title IX officer(s) responsible for assuring compliance with this guideline, Board policy, and federal law.

B. Filing Complaints

1. Any current or former student, applicant for employment or current or former employee who believes he or she has been subjected to harassment at an institution or technology center or who believes that he/she has observed harassment taking place shall present the complaint to the designated EEO/AA, Student Affairs, Title VI or Title IX officer (hereinafter "the Investigator") responsible for compliance with Title VII of the Civil Rights Act of 1964, Title VI, or Title IX of the Education Amendments of 1972.

2. Complaints must be brought within 365 days of the last incident of harassment. Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made in conjunction with Legal Counsel.

3. Every attempt will be made to get the Complainant to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. Appendix A is a sample complaint form. The complaint shall be signed by the Complainant. However, when the

Complainant refuses to provide or sign a written complaint, the matter will still be investigated, and appropriate action taken. Complaints made anonymously or by a third party must also be investigated to the extent possible.

4. If the complaint does not rise to the level of harassment, the complaint may be dismissed without further investigation after consultation with Legal Counsel. The Complainant should be informed of other available processes such as the employee grievance/complaint process, or a student non-academic complaint process.

C. Investigation

1. Legal Counsel shall be notified of the complaint, whether written or verbal, as soon as possible after it is brought to the attention of the Investigator and the investigation will be under the direction of Legal Counsel. All investigatory notes and documents shall be attorney work product. The investigator shall notify the President/ Director that an investigation is being initiated.

2. When the allegation of harassment is against the EEO/AA, Student Affairs Officer, Title VI or Title IX Officer, the President/Director will identify an individual who has been trained in investigating such complaints to investigate the complaint and carry out the responsibilities assigned pursuant to this guideline.

3. When the Respondent is a student, the Student Affairs Office will investigate the complaint in compliance with the procedures outlined in this guideline. If a finding of violation is made, any resulting disciplinary action will be undertaken in compliance with the institution's or technology center's student disciplinary procedures.

4. When the Respondent is a student, all documentation shall be subject to the provisions and protections of the Family Educational Records and Privacy Act (FERPA).

5. Investigation of complaints against employees of a Tennessee Technology Center (TTC) shall be initiated by the Vice Chancellor for Tennessee Technology Centers or his/her designee. In certain circumstances, the lead institution for the technology center may be asked to conduct the investigation. Investigations of complaints made against TTC students will be undertaken by TTC Student Services personnel.

6. In consultation with and under the direction of Legal Counsel, the Investigator shall conduct an investigation of the complaint. The purpose of the investigation is to establish whether there has been a violation of the guideline. In conducting the investigation, the Investigator may interview the Complainant, the Respondent, and other persons believed to have factual knowledge related to the investigation.

7. To the extent possible, the investigation will be conducted in such a manner to protect the confidentiality of both parties. However, the Complainant should be informed that the institution has an obligation to address harassment and that, in order to conduct an effective investigation, complete confidentiality cannot be guaranteed. Information may

need to be revealed to the Respondent and to potential witnesses. However, information about the complaint should be shared only with those who have a need to know about it. A Complainant may be informed that if he or she wants to speak privately and in confidence about harassment, he or she may wish to consult with a social worker, counselor, therapist or member of the clergy who is permitted, by law, to assure greater confidentiality. Additionally, the Complainant may be given assurances that measures will be taken against the Respondent should there be retaliation against him or her. Retaliation is prohibited and should be reported to the investigator immediately.

8. The investigator shall notify in writing the harasser Respondent within five (5) working days of receipt of the complaint. The Respondent shall respond in writing to the complaint within five (5) working days of notification.

The Respondent should be notified that any retaliation against the Complainant is strictly prohibited regardless of the outcome of the P-080 investigation and may, in itself, be grounds for disciplinary action.

9. The Investigator shall meet with both the Complainant and the Respondent individually for the purpose of resolving the complaint informally. If informal resolution is successful in resolving the complaint, a report of such, having first been reviewed and approved by Legal Counsel, shall be submitted to the President/Director.

10. If informal resolution is unsuccessful, the Investigator shall draft a report summarizing the investigation which shall be sent to Legal Counsel for review. After review and approval by Legal Counsel, the report shall be submitted to the President/Director and the Complainant and the Respondent within twenty (20) working days following receipt of the complaint. If the complaint involves a technology center, a copy of the final report should also be sent to the Vice Chancellor for Vocational Technical Education. In rare situations where more than 20 working days is needed to complete the investigation, such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following notice to Legal Counsel and notice to the Complainant.

Each report shall outline the basis of the complaint, including the dates of the alleged occurrences, the response of the Respondent, the findings of the Investigator, all attempts to resolve the complaint informally, a determination of whether there was a violation of the guideline, and recommendations regarding disposition of the complaint. No working papers, statements, etc. generated in the investigation should be attached to the report to the President/Director.

11. If, after investigation, there is insufficient evidence to corroborate the complaint or, in any situation in which the Complainant refuses to cooperate in the investigation, it may be appropriate to discuss the complaint with the Respondent, informing him or her that he or she is not being accused of a P-080 violation, but that the conduct alleged, had it been substantiated, could be found to violate this guideline. Any investigation and subsequent discussion should be documented and a report submitted as set forth in this procedure. It should also be noted that conduct which does not rise to the level of actionable harassment may, nevertheless, provide a basis for disciplinary action against

the Respondent.

12. The President/Director shall review the Investigator's report, make a final determination as to whether a violation has occurred and, determine what the appropriate resolution should be. This determination shall be in writing, with copies provided to the Complainant and the Respondent.

13. If the investigation reveals evidence that a violation of the guideline has occurred, the President/Director may meet with the Respondent and/or the Complainant and attempt to resolve the problem by agreement. Appropriate steps must be taken to ensure that the harassment will not reoccur.

14. If a violation of this guideline is determined to have occurred, the Respondent shall be advised of his/her right to a hearing pursuant to the procedures set forth below. The Respondent must file the request for a hearing within ten (10) working days following receipt of the President's/ Director's determination.

15. After completion of the investigation and any subsequent disciplinary proceedings, all documentation shall be forwarded to Legal Counsel. However, the President's/ Director's determination, the Investigator's report and documentation of any disciplinary action taken against the Respondent should be placed in a file maintained on campus. This file shall be maintained in a location designated by the President.

16. A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to appropriate disciplinary action.

D. Hearing

1. If the Respondent requests a hearing, he/she shall be advised of the established institutional procedures available for resolution of the matter in question which will generally be the procedure for the hearing of a grievance before a grievance committee.

2. The grievance hearing procedures shall include the following minimal requirements:

- a. Notice to the Respondent of the hearing which must include a summary of the facts that form the basis of the violation; the date, time and place of the hearing; and, the rights afforded the Respondent during the hearing process.
- b. The right of the Respondent to present his or her case.
- c. The right of the Respondent to be accompanied by an advisor who may assist the Respondent but may not advocate on his or her behalf.
- d. The right of the Respondent to call witnesses in his or her behalf.

- e. The right of the Respondent to confront and cross-examine witnesses against him/her.

3. In the following situations the Respondent must be given the option of either an institutional hearing, or of having the hearing held pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA):

- a. The Respondent is a support staff employee whom the President/Director has determined should be demoted, suspended without pay or terminated; or,
- b. The Respondent is a student whom the President/ Director has determined should be suspended or expelled.

The election of which hearing process to utilize must be in writing, signed by the Respondent, expressly waiving the TUAPA option.

If the Respondent elects to proceed pursuant to the TUAPA, Legal Counsel should be notified immediately.

4. When an allegation involves a tenured faculty member, the same informal and formal procedures set out above shall be utilized. Tenured faculty members shall have the same right to elect hearing procedures as set out in this section. However, where the investigation results in a finding that the harassment policy was violated and the president/director concurs with that finding and determines that procedures pursuant to TBR Policy 5:02:03:00 should be undertaken in consideration of the termination of a tenured faculty member, the matter will then proceed directly to a hearing under either the institutional policy for termination of tenure or TBR policy 5:02:03:00.

V. Other types of Harassment

Each institution's policy on sexual or racial harassment should reference other processes which concern allegations of harassment based on other constitutionally protected classes. The policy may also wish to reference the availability of the general student and employee complaint and grievances processes.

Source: November 14, 1984 TBR Presidents Meeting and November 16, 1984 AVTS Sub-Council meeting. Revised: August 16, 1988 Presidents' Meeting. Revised: February 14, 1989 - Presidents' Meeting. Revised: November 10, 1992 - Presidents' Meeting. Revised: August 13, 1996 - Presidents' Meeting. Revised: February 13, 2001 Presidents' Meeting.

Appendix A

SEXUAL/RACIAL HARASSMENT COMPLAINT FORM

Date: _____

Complainant: _____

Address: _____

Phone: (home) _____ (work) _____

Name(s) of person(s) accused of wrongdoing: _____

Describe all actions of person(s) named above. Be as detailed as possible; include the date, time and place of each event(s) or conduct involved. Attach additional pages, if needed.

What effect has this had on you? _____

Names of witnesses to the above-described events. Include phone number(s), if known.

Names of anyone with whom you discussed the above-described events. Include phone number, if known.

How would you like this matter resolved? _____

Complainant Signature: _____

Grievance and Complaint Policy/Procedures

- 1. Purpose.** The purpose of these procedures is to provide a clear, orderly and effective method through which all employees of Nashville State may process *bona fide* grievances and complaints.
- 2. Statement of Policy and Definitions.**

Policy. It shall be the policy of Nashville State to provide an effective process for the resolution of problems arising from the employment relationship or environment. To this end, a formal grievance and complaint procedure shall be established for the use and benefit of all employees. It shall be the responsibility of the administration to publish these procedures and the responsibility of all personnel to know these procedures and follow them explicitly when they are needed. The procedures will be published in the Faculty and Staff Handbook and made available through the Office of Human Resources. The forms necessary to file a grievance will be available in the Office of Human Resources.

In matters concerning harassment -- sexual, racial, and other -- Nashville State will follow Tennessee Board of Regents (TBR) policies and guidelines (see TBR Guideline P-080).

Definitions.

Matters Subject to the Grievance or Complaint Procedure. There shall be two types of matters which Nashville State shall address through these procedures, **a., grievances**, which are subject to committee review, and **b., complaints**, which must be resolved without committee review:

a. Grievances (Committee Review Available). An employee may grieve only those matters defined in **1)** through **3)** below. A grievance may result from any action Nashville State has taken against the employee which:

- 1)** Violates Nashville State or TBR policy, or involves an inconsistent application of these same policies;
- 2)** Violates state or federal discrimination statutes in that the adverse action is based solely on race, sex, national origin, age, disability, or veteran status;
or
- 3)** Violates any constitutional right. The most likely areas of concern are the First, Fourth or Fourteenth Amendment of the federal constitution when that action hampers free speech, freedom of religion, the right to association, provides for improper search and seizure, or denies constitutionally required notice or procedures.

b. Complaints (Committee Review not Available). A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter. A few examples of complaints are: 1) dissatisfaction with a work assignment; 2) dissatisfaction with an office because it has no windows and

everyone else in the department has windows; 3) a change of shift has been requested for several years, yet an outside person is employed when a position on the desired shift becomes open.

Matters NOT Subject to the Grievance or Complaint Procedure. Personnel actions, such as performance evaluations, rates of pay, position re-classifications, or position terminations due to reduction in force, fall neither under the definition of grievance nor complaint. The exception by policy is an appeal from a faculty member who is not satisfied with a promotion decision.

Employee(s). All references to the term, "employee(s)," contained in these procedures, include only those individuals defined in this paragraph. Employees shall include administrative, faculty (including full-time faculty on term or temporary contracts), professional, clerical, and support personnel. Probationary employees also are included in this definition. **Not** included in the definition of employee(s) are student workers, adjunct faculty, and temporary workers.

Procedural Assistant. The Director of Human Resources shall serve as a procedural assistant in filing a grievance by acting as a reference for TBR policies and procedures and Nashville State policies and procedures including the Employee Grievance and Complaint Procedures. The procedural assistant is not an advisor, no counsel is given by this individual. If a grievance should involve an employee of the Office of Human Resources, the President shall appoint a substitute.

Grievance Committee. The President of Nashville State shall appoint a grievance committee to hear each grievance, in accordance with the nature of the grievance and with consideration to peer representation. Appointment shall be from a pool of faculty members, recommended by the Faculty Senate, through its chair, and a pool of staff members, recommended by the Staff Assembly, through its chair. This process shall accommodate grievances among faculty, administrative, professional, clerical, and support personnel. The Grievance Committee shall be advisory and responsible to the President directly in fulfilling its responsibilities.

- a. **Faculty Recommendations.** The Faculty Senate shall recommend to the President a pool of no fewer than twelve (12) Faculty Senate members for possible service on a Grievance Committee, to be appointed by the President. Membership in the pool shall be representative of tenured and non-tenured faculty.
- b. **Staff Recommendations.** The Staff and Administrative Assemblies shall recommend to the President a pool of staff members for possible service on a Grievance Committee to be appointed by the President. Membership in the pool shall be representative of all the areas of the college. At least four (4) persons shall be recommended from each employment subcategory: Professional and Clerical/Support Personnel.

Committee Process

- a. The President shall appoint a committee of five (5) members from the pools to hear an individual grievance.

- b.** The committee shall select a chairperson who is responsible for submitting the written recommendation of the committee to the President.
- c.** Where a committee member has an interest in the outcome of the grievance, he/she will be replaced by the President, in order to avoid a biased recommendation. The Grievant is entitled to one (1) preemptory challenge.
- d.** The designated committee shall conduct an independent and thorough investigation. It has the power to receive evidence from the Grievant, gather evidence from other sources and call witnesses.
- e.** The committee shall conduct fact-finding by providing a hearing where each witness, including the Grievant, will be interviewed separately. In cases where the committee is being utilized to hear a harassment matter, the committee will allow the parties the right to confront witnesses. The Grievant shall be allowed to present any pertinent evidence to the committee and to have the committee call those witnesses who have testimony pertinent to the decision.
- f.** The Grievant shall be entitled to be accompanied by an advisor at each step of the grievance procedure. The advisor may not act as an advocate, but may act only as an advisor.

3. Scope and Applicability of Procedures.

These procedures shall apply to all employees of Nashville State with reference to grievances, as set forth in 2.B.I.a., above, and complaints, as set forth in 2.B.1.b., above. All employees shall have access to the Grievance and Complaint Procedure. The grievance committee hearing process (established pursuant to Section 2.B.5. of this procedure) may be utilized when requested by an employee in the following situations:

- Actions relating to the suspension of employees for cause or termination in violation of an employment contract, which fall under TBR Policy 1:06:00:05 (Cases Subject to the Tennessee Uniform Administrative Procedures Act), or TBR Policy 5:02:03:00, III.16.b.(2) (Suspension of Tenured Faculty).
- Actions involving harassment hearings requested pursuant to TBR Guideline P-080, B.2. (See Section V.A.1.b., below.)
- Complaints initiated pursuant to TBR Policy 5:02:02:00 (Faculty Promotion).

All employees are encouraged to discuss any problem with their supervisor or unit (e.g., department, division, branch) head prior to utilizing any grievance or complaint procedure. Every reasonable effort should be made to resolve each grievance or complaint at the lowest administrative level possible.

All personnel are expected to refer to the latest official organizational structure of the college (available in the Office of the President) in determining appropriate personnel for the filing of a grievance or complaint, e.g. immediate supervisor, next higher level supervisor, or branch vice president.

4. Responsibility for Implementation

The President of Nashville State shall have ultimate responsibility for implementation of the Grievance and Complaint Procedures and shall provide the final decision in the resolution of complaints at the institutional level. Grievances shall be appealable to the Chancellor of the Tennessee Board of Regents, only where they fit within the parameters of TBR Policy 1:02:11:00. This generally includes all grievances defined in 2.B.1.a., above (except those grievances where the individual has filed a lawsuit or claim with a state or Federal administrative body).

No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance or complaint. Supervisors shall be held responsible for ensuring that every employee is free from fear of retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a grievance or complaint.

5. Grievance and Complaint Process

A. Grievances

1. **Guiding Principles.** All grievances shall adhere to the following principles:

- a. The grievance, beginning at Step 2, shall be in writing, on the form approved by the President and available in the Office of Human Resources.
- b. An employee may not present the same grievance again after it has gone through the process as indicated herein. If a new grievance arises from a repeated or continuing occurrence of a former one, the time limit for filing a new grievance is from the date of the last such occurrence.
- c. Implementation of the grievance procedure shall not impact severely the work flow of the college, although employees shall be given the opportunity to pursue grievances during working hours. All parties in a grievance shall have equal access to all persons, places, and official records for information necessary in the determination and processing of a grievance and all requests for the same shall be made through the Office of Human Resources during normal office hours of the college.
- d. A grievance may be withdrawn formally by the grieving employee at any stage.
- e. If the Grievant shall fail to meet the time requirements of this process, at any stage, the grievance shall be assumed to have been settled. If the respondent should fail to meet a deadline, the Grievant may move immediately to the next step in the process. Upon the written request of either party and for good cause, the President or his/her designee may approve the extension of the specified time period at any stage of the process.

- f. A copy of each grievance and all pertinent documentation shall be maintained in the Office of Human Resources for at least three (3) years following resolution.
- g. A grievance which is the subject of an action filed with an external body shall not be processed through this grievance procedure. The term "external body" includes a court of federal/state administrative body, such as the Equal Employment Opportunity Commission, Office of Civil Rights, or Tennessee Human Rights Commission.

2. Steps in the Filing of a Grievance

a. Step 1. Immediate Supervisor(s).

- 1) An employee shall discuss a proposed grievance with his/her immediate supervisor within fifteen (15) working days after the employee becomes aware of the problem. This meeting will be at the request of the employee and will be considered the initial meeting on the matter. The employee should state at the meeting that the meeting is for the purpose of discussing a possible grievance action, the basis for the proposed grievance, and the corrective action desired in temperate and reasonable terms. The employee and the supervisor(s) shall discuss the proposed grievance in an attempt to resolve the matter in a mutually satisfactory manner. The supervisor(s) shall conduct any necessary or appropriate investigation and shall inform the employee of the decision, based upon the full and fair consideration of all of the facts within fifteen (15) working days of the initial meeting on the matter.
- 2) The immediate supervisor of the employee shall ensure that the decision is communicated clearly to the employee. If the employee is satisfied with the decision, no additional action shall be required.
- 3) If the employee is grieving initially an action of the immediate supervisor, the employee may begin the grievance process at Step 2.
- 4) If the employee is not satisfied with the decision of the immediate supervisor(s), or if the immediate supervisor(s) fail(s) to communicate a decision within fifteen (15) working days of the final decision, the employee may proceed to Step 2 of this process.

b. Step 2. Next Higher Level Supervisor.

- 1) Within fifteen (15) working days of the decision at Step 1, an employee may file a grievance at Step 2 with the next higher level supervisor. The proposed grievance -- which shall be in writing on the form approved by the President for this purpose and which shall state the basis for the proposed grievance and the corrective action desired in temperate and reasonable terms -- shall be signed and dated by the employee and by the supervisor(s) who reviewed the grievance at Step 1. The supervisor(s) will attest to the fact that he/she considered the facts, as cited in the grievance filed by the employee, and made an earnest effort to resolve

the matter at Step 1. The Director of the Office of Human Resources will determine whether the matter described in the grievance document is a grievable matter. This decision shall be provided in writing to the employee within fifteen (15) working days of the receipt of the grievance document. If the matter is determined to be a grievance under the definition cited in II.B., above, the Office of Human Resources will assign a number to the grievance for reference. If the matter is determined not to be a grievable matter, it will be referred to the Vice President under whom the employee works for final disposition. Copies of the written and signed grievance document shall be filed immediately with the Office of Human Resources.

- 2) Following a meeting of the Grievant and the investigating supervisor, for the purpose of discussing the proposed grievance and attempting to resolve it, the investigating supervisor, within fifteen (15) working days of said meeting, shall investigate the matter and -- after considering fully all facts in the matter -- shall render a written decision on the same grievance form.
- 3) The investigating supervisor shall ensure that the decision is communicated clearly to the charged party. The grievance form on which the decision is communicated shall be signed and dated both by the investigating supervisor and by the Grievant. If the Grievant is satisfied with the decision, no additional action shall be required. Copies of the grievance form, signed and dated by the Grievant and the investigating supervisor, and all documentation pertaining to the grievance shall be filed immediately with the Office of Human Resources.
- 4) If the Grievant is not satisfied with the decision of the investigating supervisor, or if the investigating supervisor fails to communicate a decision within fifteen (15) working days of the final decision, the employee may proceed to Step 3 of this process.

c. Step 3. Branch Vice President.

- 1) Within fifteen (15) working days of the decision at Step 2, an employee may file a grievance at Step 3 with his/her Branch Vice President of the person whose action(s) are being grieved, using the grievance form used in Step 2 of this process, which shall be obtained from the Office of Human Resources.
- 2) Following a meeting of the Grievant and the Vice President, for the purpose of discussing the grievance and attempting to resolve it in a mutually satisfactory manner, the Vice President, within fifteen (15) working days of the meeting, shall investigate the matter and -- after considering fully all facts in the matter -- shall render a written decision on the same grievance form.
- 3) The Vice President shall ensure that the decision is communicated clearly to the employee. The grievance form on which the decision was

filed at Step 2 and Step 3 shall be signed and dated both by the Vice President and the Grievant. If the Grievant is satisfied with the decision, no additional action shall be required. Copies of the grievance form, signed and dated by the Grievant and the Vice President, and all documentation pertaining to the grievance shall be filed immediately with the Office of Human Resources.

- 4) If the employee is not satisfied with the decision of the Vice President or if the Vice President fails to communicate a decision within fifteen (15) working days of the final decision, the employee may proceed to Step 4 of this process.

d. Step 4. President.

- 1) Within fifteen (15) working days of the decision at Step 3, the employee may file a grievance at Step 4 with the President of the college or his/her designee. The grievance form used in Step 2 and Step 3 shall be obtained from the Office of Human Resources by the Grievant and used to file a grievance at Step 4 with the President of the college or his/her designee.
- 2) Within fifteen (15) working days following receipt of the Grievant's file, the President of the college or his/her designee will select a Grievance Committee from the applicable pools and will transmit the Grievant's file to the Grievance Committee.
- 3) Within fifteen (15) working days following receipt of the Grievant's file, the Grievance Committee, in a formal report, shall advise the President or his/her Designee of its findings and recommendations, based upon a full, fair and independent investigation and consideration of the facts and circumstances. All documentation pertaining to the grievance shall be filed immediately with the Office of Human Resources.
- 4) Upon receipt of the report of the Grievance Committee, the President or his/her Designee may accept the recommendations of the Grievance Committee, in whole or in part, or may make his/her decision independent of the Committee's findings and recommendation. In either case, within fifteen (15) working days of receipt of the report of the Grievance Committee, the President or his/her Designee shall render a written decision to the Grievant, also providing the Grievant a copy of the report to the Grievance Committee.
- 5) The President/Designee shall ensure that the decision is communicated clearly to the Grievant. If the Grievant is satisfied with the decision, no additional action shall be required.
- 6) If the employee is not satisfied with the decision of the President/Designee or if the President/Designee fails to communicate a decision within fifteen (15) working days of the receipt of the report of the Grievance Committee, the employee may proceed to Step 5 of this process. Otherwise, the decision of the President shall be final.

e. Step 5. Appeal to the Chancellor.

- 1) Grievances which are processed through the Grievance Committee are subject to appeal to the Chancellor of the Tennessee Board of Regents **only** where they fall within the parameters set forth in TBR Policy 1:02:11:00. This generally includes all grievances defined in **2.a.1**, above.
- 2) In any case where the President makes a decision that is adverse to the Grievant, the President, in accordance with **4.A.** and **5.A.2.d.(1)**, above, shall advise the Grievant of his/her right to appeal the decision to the Chancellor of the Tennessee Board of Regents.
- 3) In the event the case is eligible for review by the Chancellor, the Grievant shall file a grievance with the Chancellor within fifteen (15) working days of the date of the President's decision. The decision of the Chancellor shall be final.

B. Complaints

1. **Guiding Principles.** Resolution of complaints, at a minimum, requires the college to a) allow the employee to present facts and/or materials; b) investigate the dispute; and c) attempt to find a solution. The President or his/her Designee shall make the final decision. Complaints do **not** provide one a right to any type of hearing, adversarial proceeding or the right to appeal to the Chancellor of the Tennessee Board of Regents. Additionally, all complaints shall adhere to the following principles:
 - a. The complaint, beginning at Step 2, shall be in writing, on the form approved by the President and available in the Office of Human Resources.
 - b. The Complainant shall be entitled to be accompanied by an advisor at each step of the complaint procedure; however, the advisor may not act as an advocate, but may act as an advisor only.
 - c. An employee may not present the same complaint again after it has gone through the process as indicated herein. If a new complaint arises from a repeated or continuing occurrence of a former one, the time limit for filing a new complaint is from the date of the last such occurrence.
 - d. Implementation of the complaint procedure shall not impact severely the work flow of the college, although employees shall be given the opportunity to pursue complaints during working hours. All parties in a complaint shall have equal access to all persons, places, and official records for information necessary in the determination and processing of a complaint and all requests for the same shall be made through the Office of Human Resources during normal office hours of the college.
 - e. A complaint may be withdrawn formally by the initiating employee at any stage.

- f. If the Complainant should fail to meet the time requirements of this process, at any stage, the complaint shall be assumed to have been settled. If the respondent should fail to meet a deadline, the Complainant may move immediately to the next step in the process. Upon the written request of either party and for good cause, the President or his/her Designee may approve the extension of the specified time period at any stage of the process.
- g. A copy of each complaint and all pertinent documentation shall be maintained in the Office of Human Resources for at least three (3) years following resolution.

2. Steps in the Filing of a Complaint

Steps in the filing and processing of a complaint shall be the same as for a grievance, **except** that a Committee shall **not** be involved in the complaint process and the decision of the President of the college or his/her Designee shall be final; there shall be **no** right to appeal to the Chancellor of the Tennessee Board of Regents.

NASHVILLE STATE TECHNICAL COMMUNITY COLLEGE

CHANGES OF EMPLOYEE STATUS: TRANSFER AND PROMOTION

The president or director is authorized to approve changes of status --- i.e., transfers, promotions, demotions, or other changes in duties or responsibilities --- of personnel within the scope of the delegation provided through TBR policy, provided that when a change of status would cause the employee to be within the scope of positions subject to approval of the Chancellor, the change of status will be subject to the Chancellor's approval. The president/director of each TBR institution/school may establish procedures for accomplishing promotions, . . . and transfers between institutions/schools within the Tennessee Board of Regents System, in such manner as to ensure fair and equitable treatment to all personnel, and in accordance with established TBR policies. (TBR Policy No. 5:01:00:00.)

A promotion is defined as an increase in position or rank brought about by means of assuming the duties of a vacant position of higher classification, or assuming duties which warrant a reclassification of present position to one at a higher level. All promotions and transfers must be achieved within the parameters of the institute's affirmative action plan and TBR guideline P-010.

Procedures for Internal Transfer and/or Promotion:

TBR employees may transfer to opened positions. Transfer includes the voluntary movement from one position to another, regardless of the process of the change.

- A. When a vacancy occurs, regular part-time and full-time employees who express an interest in the position will be given first consideration. A regular employee may be directly promoted or transferred with the approval of the president. Administrators who wish to recommend personnel actions of this nature should provide the president with an evaluation of the employee being considered for promotion or transfer.
- B. When a direct transfer or promotion is not recommended and approved, the hiring supervisor must, with prior approval of the president, post or otherwise communicate a vacancy internally to solicit applications from current, regular part-time and full-time employees. Such notices should allow a minimum of five days for response. After reviewing the applicant pool yielded by the internal search, the hiring supervisor may recommend a current, regular part-time or full-time employee for the vacancy or may recommend that the search continue outside the institution.
- C. These provisions are intended to provide career mobility and enrichment for the regular part-time and full-time employees. Nothing in this section should be construed as preventing an internal candidate from making application during an external search.