

TITLE: EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION

POLICY NO: 3-25

EFFECTIVE DATE: 01/03/94

VCCS POLICY NO: [3.14.0](#)

REVISED DATE: 05/05/15

I. Purpose:

To establish J. Sargeant Reynolds Community College (Reynolds) as an equal opportunity employer and to ensure equal opportunity in all college transactions for employees and applicants for employment at the college, to promote affirmative actions that are designed to ensure the representation of minorities and women, to maintain a diverse workforce reflecting the communities served by the college, and to ensure nondiscrimination.

II. Definitions:

Affirmative action: those actions appropriate to overcome the effects of past or present practices, policies, or other barriers to equal opportunity.

Bona fide occupational qualification (BFOQ): an exception to the restrictions of Title VII of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, religion, and national origin that, under certain conditions, legitimately may require an employer to require an individual of a specific sex, national origin or religious affiliation to staff a certain job.

Disability: an individual who (1) has a physical or mental impairment which substantially limits one or more of his or her major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

EEO officer: the college's associate vice president of human resources.

Equal employment opportunity (EEO): the college's adherence to the federally mandated policy on nondiscrimination regarding matters of recruitment, employment, personnel actions and employee benefits, or in connection with other job-related programs or activities.

III. Policy:

A. Reynolds does not discriminate on the basis of race, color, national origin, religion, age, military service or veteran status, sex (including pregnancy and gender identity), political affiliation, or disability (in compliance with the Americans with Disabilities Act Amendments Act [ADAAA], Section 504 of the Rehabilitation Act of 1973, Executive Order of the Governor of the Commonwealth of Virginia, and *The Virginia Plan for Equal Opportunity in State Supported Institutions of Higher Education*), or other non-merit based factors with respect to employment, personnel actions and employee benefits, or in connection with job-related programs, activities, or accessibility regarding the use of college facilities.

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- B. In compliance with Section 703 of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, the college shall not tolerate any verbal, nonverbal, or physical behavior that constitutes sexual misconduct (sexual harassment or sexual violence) by employees in connection to their employment. Furthermore, sexual assault is a violation of the *Code of Virginia*.
- C. In compliance with the Equal Protection Clause of the United States Constitution, discrimination based on factors such as one's sexual orientation or parental status shall not be tolerated.
- D. The college prohibits the use of family medical history or genetic information in making decisions related to any terms, conditions, or privileges of employment in compliance with Title II of the Genetic Information Non-Discrimination Act of 2008 ([GINA](#)).
- E. Specifically, the prohibition against employment discrimination applies to all aspects of the hiring process and employment practices, including:
 - 1. hiring, demotion, promotion, reallocation, role change, in-band adjustment, layoff, and transfer;
 - 2. performance management and employee development;
 - 3. corrective actions, including disciplinary actions; and
 - 4. compensation, faculty compensation actions, classified staff pay practices, benefits, and other terms, conditions, and privileges of employment.
- F. The college shall adopt a plan for diversity and inclusion that establishes recruitment procedures and personnel actions, provides professional development opportunities, and sets forth monitoring and reporting requirements. Additionally, the support of equal employment opportunity initiatives shall be considered in the evaluation of each manager's job performance. The responsibility for development of the plan for diversity and inclusion, establishment of goals, and dissemination of the plan rests with the EEO officer of the college upon approval by the President's Executive Cabinet.
- G. This policy does not allow the lowering of bona fide job requirements, performance criteria, or qualifications to give preference to any college employee or applicant for college employment.
- H. Any college employee found in violation of this policy shall be subject to appropriate disciplinary action. No college appointing authority, other management principals, or supervisors shall take retaliatory actions against persons making such allegations.
- I. The college's Office of Human Resources is responsible for providing appropriate training opportunities covering all aspects of human resource management to ensure that policies, guidelines, and pay practices are nondiscriminatory.

IV. Procedures:

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- A. In accordance with the guidelines issued by the Department of Human Resource Management (DHRM), the college is required to enter all employee salary transactions into the state's automated Personnel Management Information System (PMIS). Additionally, DHRM's Office of Equal Employment Services (OEEES) will monitor, on a fiscal year basis, the college's transactional salary activities to ensure fairness and equity in all tangible employment practices in response to federal and state policies. In response to this annual compliance review, the college may be required to provide a written response to such matters in accordance to the timeline established by OEEES.
- B. Allegations of violations of this policy will be brought to the immediate attention of the equal employment opportunity officer of Reynolds or the OEEES in the DHRM.
- C. Any state employee or applicant for state employment may file an allegation of violation of the Executive Order with the OEEES in the DHRM.
- D. Statements for publications:

- 1. The following will be used on the college's external website and in employee handbooks:

Nondiscrimination Policy

J. Sargeant Reynolds Community College is an equal opportunity institution providing educational and employment opportunities, programs, services, and activities. Reynolds does not discriminate on the basis of age, color, disability, family medical history or genetic information, military service or veteran status, national origin, parental status, political affiliation, race, religion, sex (including pregnancy and gender identity), sexual orientation, or any other non-merit based factor. The college also prohibits sexual misconduct including sexual violence or harassment.

Contact Information

Employees or prospective employees who believe they have witnessed or experienced discriminatory conditions or discriminatory acts inclusive of sexual misconduct, sexual violence, sexual harassment or inaccessible conditions should present their concerns to:

College Equal Employment Opportunity Officer
J. Sargeant Reynolds Community College
P. O. Box 85622
Richmond, VA 23285-5622
Telephone: (804) 523-5877
Fax: (804) 523-5108
Email: EEO@Reynolds.edu

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Physical Location: Parham Road Campus, Workforce Development and Conference Center, Suite 121

2. The following will be used in job announcements:

a. Long advertisement

J. Sargeant Reynolds Community College does not discriminate on the basis of age, color, disability, family medical history or genetic information, military service or veteran status, national origin, parental status, political affiliation, race, religion, sex (including pregnancy and gender identity), sexual orientation, or any other non-merit based factor in its employment opportunities, programs, services, and activities. Employment-related inquiries regarding the college's nondiscrimination policy should be addressed to: EEO Officer, EEO@Reynolds.edu, (804) 523-5877.

b. Short advertisement

AA/EEO/ADAAA/Veterans are encouraged to apply.

E. Accessibility for deaf and hard of hearing applicants

Deaf and hard of hearing applicants should use the VA Relay 711 system to contact the Office of Human Resources at (804) 523-5249. More information about VA Relay 711 can be found at <http://www.varelay.org/>.

V. Other Information:

The college's Office of Human Resources is responsible for the official interpretation of this policy. Questions regarding the application of this policy should be directed to the associate vice president of human resources.

[Executive Order No. 1 \(2014\), Equal Opportunity](#)

[Title II of the Genetic Information Non-Discrimination Act of 2008 \(GINA\)](#)

[Department of Human Resource Management \(DHRM\) Policy 2.05](#), Equal Employment Opportunity

[Reynolds Nondiscrimination Policy \(Reynolds.edu\)](#)