

Chapter One:

Equal Opportunity Employment

Cumberland University recognizes that the University's present and future strength is based primarily on people – their skills, experience, and potential to develop – no matter what their race, color, religion, sex, national or ethnic origin, age, disability, or veteran status.

- Equal Opportunity Employment
- Equal Opportunity in Education
- Harassment, Threats, and Violence
- Employment at Will

Cumberland University is committed to the principles and practice of equal employment opportunity. Employment decisions and promotion decisions are based on these principles. The following is the University's policy on equal employment:

In compliance with federal law, including the provisions of Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Tennessee Human Rights Act, and all other applicable federal, state, and local anti-discrimination laws, it is the policy and practice of the University to provide equal opportunity in employment and advancement for all qualified persons without regard to race, sex, religion, color, national or ethnic origin, age, disability, or veteran status. This policy applies to every aspect of the University's administration or educational policies, programs, and activities; admissions policies; scholarship and loan programs; athletic and other University administered programs; and employment, advancement, transfer, demotion, layoff, termination, rates of pay, training opportunities, and other terms and conditions of employment.

Employment decisions will be based on the principles of equal employment opportunity. The University officials will ensure that promotion decisions are in accord with the principles of equal employment opportunity.

All employment-related terms and conditions, such as compensation, benefits, transfers, layoff, return from layoff, University-sponsored training, education, tuition waiver, and social and recreational programs, will be administered without regard to race, color, religion, sex, national or ethnic origin, age, disability, or status as a disabled veteran or veteran of the Vietnam era.

Cumberland University Officials are responsible for monitoring and assisting with the application and interpretation of federal, state, and local laws that impose special obligation on the University, including, but not limited to,

- Title VI and VII, Civil Rights Act of 1964, as amended
- Executive Order 11246 of 1965, as amended
- Fair Labor Standards Act
- The Equal Pay Act
- The Age Discrimination in Employment Act, as amended
- The Rehabilitation Act
- The Americans with Disabilities Act
- Title IX of the Education Amendments
- The Vietnam Era Veterans Readjustment Act
- The Pregnancy Discrimination Act
- Immigration Reform and Control Act
- Tennessee Human Rights Act

EQUAL OPPORTUNITY IN EDUCATION/TITLE IX/SECTION 504 STATEMENT

Cumberland University does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of education opportunities or employment opportunities and benefits.

Cumberland University does not discriminate on the basis of sex or disability in the education programs and activities which it operates, pursuant to the requirements of Title VI of the Civil Right Act of 1964, as codified in 42 U.S.C. 2000D; Title IX of the Education Amendments of 1972, Pub. L. 92-318; the Americans with Disabilities Act of 1990, Pub. L. 101-336; and the Age Discrimination in Employment Act. This policy extends to both employment by and admission to the University. Inquires or complaints concerning Title VI, Title IX, Section 504, the Americans with Disabilities Act, and the Age Discrimination in Employment Act should be directed to the Office of the Provost, Memorial Hall, Cumberland University, One Cumberland Square, Lebanon, TN 37087-3554, 615-444-2562.

GRIEVANCE PROCEDURE

In support of the University's commitment to equal opportunity in educational services on the basis of race, sex, color, religion, national origin, age, disability, or veteran status, the following procedure exists to promptly investigate and respond to complaints that this policy has been violated. Any individual who wishes to complain about discrimination in educational opportunities or employment opportunities and benefits should follow the steps outlined below.

1. An individual with a complaint should contact the Office of the Provost and obtain a complaint form by which the specifics of the individual's complaint can be recorded and action initiated within 7 days of its receipt.
2. The Office of the Provost will designate an appropriate responsible official of the University to investigate, collect data, interview witnesses and develop an appropriate response to the complaint within 21 days of Step One.
3. Following the investigation of the complaint, the University official designated by the Office of the Provost will meet with the individual and discuss the outcome of the investigation and the response of the University to the complaint within 21 days of Step Two.
4. A report of the investigation, its outcome and recommendations will be forwarded to the Office of the Provost at the conclusion of the investigation within 21 days of Step Three.
5. If the individual is dissatisfied with the outcome of the investigation, an appeal may be made to the Office of the Provost by the individual within 10 days of the outcome of Step Four. In the event of an appeal, the Office of the Provost will review the complaint, the results of the investigation, the report and recommendations of the designated University official and consult with the complaining individual in an attempt to resolve any remaining concerns within 21 days of the receipt of the appeal.

HARASSMENT, THREATS, AND VIOLENCE

Cumberland University's Position on Harassment, Threats and Violence

I. PURPOSE

The purpose of this policy is to create and maintain a working environment where in all employees can maximize productivity in their jobs without exposure to offensive or threatening conduct. There are several types of antisocial behavior that can interfere with this goal, including (1) sexual harassment; (2) racial, religious and other forms of harassment; and (3) violence and threats of violence. All of these types of behavior can distract employees from their job-related duties, and it is the policy of Cumberland University to prohibit and eliminate these types of behavior.

II. DEFINITIONS

A. Sexual Harassment

Sexual Harassment can include:

1. Physical assaults or physical conduct that is sexual in nature (touching, pinching, or brushing against another's body).
2. Unwelcome sexual advances, propositions, comments, "kidding," "teasing," or request for sexual favors.
3. Sexual displays or publications such as calendars, cartoons, graffiti, or computer pornography.
4. Other verbal or physical conduct of a sexual nature that would interfere with an individual's work performance, or create an intimidating, hostile or offensive work environment.
5. Retaliation for complaints of harassment.

B. Racial, Religious, National Origin, Disability, or Age Harassment

These types of harassment can include:

1. Any conduct based on race, religion, national origin, disability, or age that makes an employee uncomfortable at work or which interferes with an employee's ability to perform the job.
2. Jokes that refer to race, religion, national origin, or disability or which portray age in a negative light.

3. The posting or distribution of cartoons, drawings, or any other material which adversely reflects on a person's race, religion, national origin, disability, or age.
4. The use of "slurs" or other offensive language.
5. Practical jokes, horseplay, or teasing which tends to make fun of a person's race, religion, national origin, or disability or which reflects negatively on a person's age.
6. Retaliation for complaints of harassment.

C. Violence and Threats of Violence

This type of antisocial behavior can include:

1. Any conduct which involves the offensive touching of another employee.
2. Intimidating or threatening gestures or body posture that reflects possible violence or a threat of violence.
3. Verbal threats to "get even" or "go postal" or similar statements that cause an employee to fear possible harm by another employee.

III. WHAT TO DO IF YOU EXPERIENCE HARASSMENT, THREATS OF VIOLENCE, OR VIOLENT BEHAVIOR

These types of antisocial behaviors can be blatant or they can be subtle. Despite the definitions given above, it is sometimes difficult to recognize whether particular conduct falls within these types of antisocial behaviors. Any employee who feels that he or she is the victim of any of these types of antisocial behaviors should report the conduct immediately. Further, any employee who observes conduct that could be a violation of this policy should report that conduct promptly.

Reports should be made to the Director of Human Resources, or the President of the University. While verbal reports will be accepted, in most cases an employee reporting these types of behaviors will be asked to make a written report providing as much detail as possible concerning who has engaged in the behavior, when, where, and exactly what was done or said.

IV. HOW REPORTS WILL BE HANDLED

Reports of antisocial behavior will be promptly investigated. In most cases, the investigator(s) will meet with the person making the report to get a complete and accurate statement concerning the nature of the problem. The investigator(s) usually will then meet with the accused employees and other potential witnesses. Once the facts have been gathered,

Cumberland University will try to address and eliminate any problems through one or more of the following actions: (1) verbal counseling sessions with those committing possible antisocial behavior; (2) group meetings or training sessions; (3) referrals to formal counseling, at the expense of the employee; (4) written disciplinary action or suspension; or (5) termination of employment.

In most cases, the employee reporting the antisocial behavior will be informed of the results of the investigation and the remedial action taken.

While all reports of antisocial behavior will be treated as confidentially as possible, the requirement to conduct an impartial investigation means that complete confidentiality cannot be assured.

V. YOUR ROLE AND RESPONSIBILITY

First and foremost, each of us is responsible for our own conduct and should avoid the types of behaviors addressed in this policy.

Second, each of us has a responsibility to report antisocial behavior that we experience or observe.

With your help in enforcing this policy, we can make Cumberland University a better and more productive place to work for all employees.

EMPLOYMENT-AT-WILL

Nothing in this Handbook creates a contract of employment. Employment with Cumberland University is at will, which means either you or the University can discontinue the employment relationship at any time, for any reason not otherwise prohibited by federal, state, or local law.

No Cumberland University employee, administrator, manager, director, or individual Board member, other than the President or the entire Board of Trust, has the authority to enter into any oral, written, express, or implied employment agreements.