

Subject: Equal Opportunity and Nondiscrimination

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1. Purpose

This policy states Tidewater Community College’s commitment to equal opportunity and nondiscrimination consistent with the policy of the Commonwealth of Virginia as well as that of the Virginia Community College System and in compliance with the relevant Federal and State statutes and regulations.

2. Policy

It is the policy of Tidewater Community College to provide equal employment and educational opportunities for all persons without regard to race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, and for all otherwise qualified persons with disabilities. This policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans.

Tidewater Community College does not tolerate discrimination or harassment on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, or disability. The prohibition against discrimination and harassment applies to all levels and areas of college operations and programs, to students, faculty, staff, volunteers, vendors, and contractors. This policy does not permit or require alteration of *bona fide* job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment.

It is a violation of this policy to retaliate against any party for participating in a discrimination/harassment investigation (“protected activity”). Retaliation includes any adverse treatment which is reasonably likely to deter the complainant or others from filing a charge of discrimination/harassment or participating in a discrimination/harassment investigation. Retaliation can be verbal, written, graphic, electronic, or physical.

Knowingly filing a false complaint of discrimination/harassment or of retaliation is a violation of this policy. Such conduct may be pursued using the steps followed for a complaint of discrimination/harassment, and if found to have occurred, will result in disciplinary action that may include termination or expulsion.

All participants in a discrimination/harassment complaint resolution process, including the complainant and respondent, witnesses, and any other parties shall respect the confidentiality of the proceedings. Breaches of confidentiality jeopardize effective functioning of internal complaint resolution. Participants are authorized to discuss the case only with those persons whose duties entail a clear and genuine need to know.

The college’s Associate Vice President for Human Resources is the designated coordinator for matters related to Section 504 of the Rehabilitation Act of 1973 as it relates to employees and the college’s Coordinator of Accessibility is the designated coordinator for matters related to Section 504 of the Rehabilitation Act of 1973 as it relates to students. The Director of Intercultural Learning is the college’s designated coordinator for Title IX of the Education Amendments of 1972. To comply with the Federal requirement to provide continuous notification of the college’s nondiscrimination policy, the following statement will appear in TCC publications, including but not limited to the college catalog, student handbook, employee handbooks, the TCC Website, program brochures, and college and student newspapers.

Tidewater Community College does not discriminate on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, or disability in its programs or activities. Inquiries related to the college’s nondiscrimination policies may be directed to the Director of Human Resources, Post Office Box 9000, Norfolk, VA 23509-9000, 757-822-1708.

As relates to students:

Beth Callahan
Coordinator of Educational Accessibility
Email: bcallahan@tcc.edu
Phone: 757-822-7751
Address: 1700 College Crescent
Office of Educational Accessibility
Virginia Beach, Virginia 23453

As relates to employees:

Beth Lunde, SPHR, SHRM-SCP

Associate Vice President for Human Resources
Email: blunde@TCC.EDU
Phone: 757-822-1711
Address: 121 College Place, Suite 607
Office of Human Resources
Norfolk, Virginia 23510

Employment/position vacancy announcements will include an appropriately worded statement of TCC's commitment to cultural diversity.

3. Responsibilities

The Executive Vice President shall be responsible for oversight of the college's activities, programs, and operations to ensure compliance with this policy, including development and maintenance of college-wide procedures that support the policy. The members of the President's Executive Staff and other supervisors and managers shall be responsible for ensuring that procedures developed for their respective functional areas are consistent with this policy and comply with applicable policies and procedures of the Virginia Community College System and the Commonwealth of Virginia. Campus provosts shall be responsible for ensuring that the activities and programs conducted on or by their respective campuses comply with this policy and the procedures developed to support it.

4. Procedures

Instances of discrimination or harassment on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, or disability, or retaliation for participating in a discrimination/harassment resolution process may be reported by the victim using the grievance process appropriate to his/her status (i.e., non-probationary classified employee, faculty-appointed employee, or student). Employees who do not have access to a grievance procedure (e.g., probationary classified and wage employees), third parties, and individuals who do not have an established employee or student status with TCC may report such discrimination, harassment, or retaliation as an incident of misconduct to the appropriate supervisor.

Any state employee or applicant for state employment may file an allegation of violation of Executive Order Number 1 (2014) with the Office of Equal Employment and Dispute Resolution (OEEDR) in the Department of Human Resource Management (DHRM). A state employee who is covered by the DHRM Grievance Procedure may request the OEEDR to investigate allegations of retaliation as a result of the use of or participation in the grievance procedure.

5. Definitions

Disability: An individual is considered to have a disability if that individual either (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. [Virginia DHRM Policy 2.05]

Genetics: As defined in Title II of the Genetic Information Non-Discrimination Act of 2008:

- (A) In general. The term “genetic information” means, with respect to any individual, information about:
 - (i) such individual’s genetic tests,
 - (ii) the genetic tests of family members of such individual, and
 - (iii) the manifestation of a disease or disorder in family members of such individual.
- (B) Inclusion of genetic services and participation in genetic research. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.
- (C) Exclusions. The term “genetic information” shall not include information about the sex or age of any individual.

Discrimination occurs when someone is treated unfairly on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics or disability.

Discriminatory Harassment: Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, or disability that: (1) has the purpose or effect of creating a hostile environment; (2) has the purpose or effect of unreasonably interfering with an employee’s work performance or student’s educational experience; or (3) affects an employee’s employment opportunities or compensation or a student’s educational opportunities.

Hostile Environment: Conduct so severe, pervasive, and objectively offensive that it undermines and detracts from an employee’s work performance or a student’s educational experience.

6. References

[Executive Order Number 1 \(2014\) Equal Opportunity](#)

[Genetic Information Non-Discrimination Act of 2008](#)

[Virginia DHRM Policy 2.05 Equal Employment Opportunity](#)

[VCCS Policy Manual](#)

7. Review Periodicity and Responsibility

The Executive Vice President shall review this policy annually in January.

8. Effective Date and Approval

This revision of the policy is effective upon its approval by the College President on April 25, 2019.

Policy Approved:

Procedure Developed:

Gregory T. DeCinque, Ph.D.
Interim President

Corey L. McCray, Ph.D.
Interim Executive Vice President for
Academic and Student Affairs

9. Review and Revision History

The initial version of this policy was approved October 29, 2007.

- Revision 1 updates the policy to be consistent with Virginia policy following the promulgation of Executive Order Number 1 (2014). The revision also provides procedures that may be used in instances of violations of the policy.

Approved February 13, 2014 by President Edna Baehre-Kolovani.

- Revision 2 updates the policy to be in compliance with Resolution Agreement from the US Department of Education, Office for Civil Rights. Revision to the policy to include revised definitions of discrimination and harassment and added the definition of hostile environment.

Approved April 25, 2019 by Interim President Gregory DeCinque