

---

**Subject: Equal Opportunity and Nondiscrimination**

---

1. Purpose .....	1
2. Policy .....	1
3. Responsibilities.....	3
4. Procedures .....	3
5. Definitions.....	4
6. References .....	5
7. Review Periodicity and Responsibility .....	5
8. Effective Date and Approval .....	5
9. Review and Revision History .....	6

**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 (or traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists), sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, disability, genetic information, and pregnancy, childbirth, or related medical conditions\*. There shall be no retaliatory action against any person making allegations of violations of this policy.**

\*These categories are subject to change. For the most current information, always refer to the Governor’s Executive Orders and the U.S. Employment Opportunity Commission. The College’s policies and practices foster non-discrimination and promote diversity and inclusion for these protected classes.

Tidewater Community College does not tolerate discrimination or harassment on the basis of protected categories. 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 the Student Resource and Empowerment Center 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 (or traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists), sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, disability, genetic information, and pregnancy, childbirth, or related medical conditions in its programs or activities. Inquiries related to the college’s nondiscrimination policies may be directed to:

**As relates to students:**

Beth Callahan  
Coordinator of Educational Accessibility  
Email: [bcallahan@tcc.edu](mailto: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](mailto: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 Associate Vice President for Human Resources 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 Cabinet 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.

### **4. Procedures**

Instances of discrimination or harassment on the basis of race (or traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists), sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, disability, genetic information, and pregnancy, childbirth, or related medical conditions, or retaliation for participating in a discrimination/harassment resolution process may be reported by the victim using any of the options noted:

- Internal Agency Procedure for Discriminatory Prohibited Conduct: The employee, applicant, or student may report incidents of discriminatory harassment to the appropriate supervisor, the Associate Vice President for Human Resources, the Coordinator of Educational Accessibility, the President, or any individual(s) designated by the College to receive such reports; OR
- State Complaint Procedure for Discriminatory Prohibited Conduct: The

- employee or applicant may follow the complaint procedure as administered by the Department of Human Resource Management; OR
- Grievance Procedure for Discriminatory Prohibited Conduct – the complainant follows the 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; OR
  - Federal Complaint Process for Discriminatory Prohibited Conduct: Employees and applicants may file a complaint with the U.S. Equal Employment Opportunity Commission.

Any state employee or applicant for state employment may file an allegation of violation of the Governor's Executive Order with the Office of Workforce Engagement's Diversity, Equity, and Inclusion Unit in the Department of Human Resource Management (DHRM). A state employee who is covered by the DHRM Grievance Procedure may request the Office of Employee Dispute Resolution 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**

[Equal Employment Opportunity Commission](#)

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

[Virginia DHRM Policy 2.35 Civility in the Workplace](#)

[VCCS Policy Manual](#)

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

## 7. **Review Periodicity and Responsibility**

The Associate Vice President for Human Resources shall review this policy annually.

## 8. **Effective Date and Approval**

This revision of the policy is effective upon its approval by the College President on May 16, 2022.

Policy Approved:

Procedure Developed:

**Marcia Conston, Ph.D.**

Marcia Conston, Ph.D.  
President

**Sarah E. (Beth) Lunde**

Beth Lunde  
Associate Vice President for  
Human Resources

## **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

- Revision 3 updates the policy to be consistent with Virginia policy following changes to the Code of Virginia, to reflect title changes, and to update The President's Cabinet member responsible for reviewing the policy.

Approved May 16, 2022 by President Marcia Conston