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Model Policy: Diversity and Non-Discrimination

Note: Do not use this sample policy without customizing for your institution, and if necessary, having the document reviewed by institutional legal counsel or higher administration to ensure consistency with local, state, and federal laws and institutional policy.

1.0 Oversight Responsibilities. The associate athletics director [or insert similar position] in charge of human resources within the athletics department [hereafter referred to as the "human resources director"] or designee shall be responsible for overseeing the following policies and procedures regarding diversity and discrimination in employment. The Assistant Athletics Director for Student Affairs [or insert similar athletics department position] shall be responsible for overseeing policies and procedures related to student-athlete diversity. The Athletics Director shall be responsible for oversight of policies related to the appointment of committees. All interpretations of the policies and procedures below shall be approved by the Athletics Director [or insert name of institutional committee or title of person] and be consistent with institutional policies and procedures.

2.0 Non-Discrimination. The [insert name of institution] athletics department is committed to continuously addressing issues of diversity and multiculturalism and engaging in practices that reflect the belief that the athletics department will thrive only by the development of a more democratic and inclusive work community. This commitment is fully aligned with the values of our institutional diversity mandate, that prohibits discrimination on the basis of age, color, gender, national origin, physical impairment, political affiliation, race, religion, or sexual orientation in the application of the all employment-related and program policies and procedures.

2.1 Proactive Stance. The athletics department is committed to taking proactive steps to recruit and retain a diverse workforce, student-athlete population, and membership on department- appointed committees.

2.2 Legislation. The athletics department recognizes that the laws and policies in support of diversity in the workplace continue to evolve and supports the emergence of such new laws that encourage affirmative acts to achieve diversity. Consistent with institutional policy, the athletics department prohibits discrimination in accordance with the following: the Equal Pay Act of 1963, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Executive Order 11246, Title IX

of the Education Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, the Vietnam Veterans Readjustment Assistance Act of 1974, the Jobs for Veterans Act of 2002, and all other applicable civil rights and nondiscrimination statutes.

2.3 Other Classes. In support of the full participation of other previously excluded or neglected classes of people, the athletics department prohibits discrimination on the basis of pregnancy, marital, and parental status.

2.4 Equal Opportunity Employer. The athletics department is proud of its ability to help all employees reach their potential as workers. Because of this, all qualified individuals are given an equal opportunity to be successful. Equal opportunity extends to the recruitment, hiring, training, and promotion of people in all positions. Equal opportunity, and the positive working and learning environment it creates, helps the department to make strides toward ending historical discrimination against minority groups.

2.5 Affirmative Action. The department is further committed to taking strides to increase the numbers of historically underrepresented persons and increase diversity in its workforce. Cultural and intellectual diversity supports a thriving and resilient athletics program.

2.6 Extent of Policy. The department's non-discrimination policy extends to all aspects of employment practices, athletics programs and appointment processes. This includes but it not limited to the following:

- conditions of employment
- personnel actions
- job search and interviews
- performance evaluation and corrective action
- education and support of employees
- interpersonal interactions in the workplace
- student-athlete recruitment
- award of athletics scholarships
- availability of benefits of athletics department academic support and other programs
- appointments to committees

3.0 Leadership Expectations

3.1 All Employees. All employees are expected to be supportive of departmental and institutional policies related to diversity, non-discrimination, equal opportunity, and affirmative action.

3.2 Administrative Leaders. Administrative leaders in the department, including but not limited to the Athletics Director, assistant and associate athletics directors, the Human Resources Director and head coaches shall be responsible for regularly examining all program and employment areas under their control to ensure that current policies are being followed and, where necessary, to create new strategies to increase diversity and eliminate or prevent discrimination from occurring.

3.3 Human Resources Director. The department's Human Resources Director is responsible for hearing all discrimination-related grievances within the department. The Human Resources Director may

seek support from the institution's ombudsperson [or similarly titled officer within the institution].

3.4 Senior Woman Administrator (SWA). The department shall appoint a highly ranked, female administrator to be the senior woman administrator (SWA). The SWA shall provide oversight for all policies regarding gender equity in the department, including but not limited to gender equity policies and policies regarding discrimination and harassment of female employees or student-athletes.

4.0 Discrimination, Harassment, Redress, and Appeal. The department shall not tolerate discrimination affecting any employee or student-athlete. Further, the department will not tolerate harassment of any employee or student-athlete. Discrimination and/or harassment are actions that create hostile, offensive, or intimidating work environments. Discrimination and/or harassment include, but are not limited to, sexual and racial harassment or harassment due to disability. Harassment may include derogatory comments, jokes, or threats.

4.1 Redress. Any employee or student-athlete who feels that he or she has been discriminated against or harassed in the workplace may seek redress. The procedures for redress following discrimination or harassment are progressive with regard to documentation and severity of action. The procedures for corrective action following complaints of discrimination and/or harassment are progressive and follow the guidelines for other institutional disciplinary and corrective actions.

4.1.1 Informal Complaint. Individuals seeking redress for discrimination and/or harassment may choose to seek informal conflict resolution. To issue an informal complaint, the individual must approach her/his work supervisor or other impartial, ranking administrative official within the athletics department to express a specific concern orally or in writing. All individuals involved, including an impartial administrative official, will meet to discuss how the offending individual's actions are perceived. All individuals involved should identify ways to make positive changes in the workplace and strive to achieve those changes. Every supervisor and employee has the obligation to act immediately to correct any hostile, intimidating, or offensive work or sport program environment. Individuals seeking redress have the right to bypass the informal complaint procedure.

4.1.2 Formal Complaint. Individuals seeking redress for discrimination and/or harassment may issue a formal complaint. A formal complaint must be issued in writing to the individual's direct supervisor. In cases which involve work supervisors harassing employees, the individual experiencing harassment may bypass the direct supervisor and submit a formal, written complaint to the institution's Human Resources Director. In cases involving student-athletes, the complaint should be submitted to the Assistant Athletics Director for Student Affairs or to the institutional Office of Student Affairs. Pursuing a complaint does not compromise one's right to seek legal action on the state and federal level for discrimination and/or harassment.

4.1.3 Disciplinary Action. Upon receiving a formal complaint of discrimination and/or harassment, work supervisors, the Human Resources Director or other institutional officials receiving such complaint must thoroughly investigate the occurrence. If it is determined that discrimination and/or harassment has occurred or continues to occur, progressive disciplinary action must be taken following the policies and procedures for corrective action.

4.1.4 Non-Retaliation. Any employee or student-athlete submitting a complaint regarding discrimination and/or harassment in the workplace or participating in the investigation of a discrimination

and/or harassment complaint may do so without fear of retaliation. Notwithstanding this policy, the department may issue corrective action to employees who abuse the complaint procedure by knowingly bringing false complaints.

4.2 Appeal. Individuals who have received disciplinary action for discrimination and/or harassment may appeal the disciplinary action following the procedures for appeal of corrective action. When an individual submits an appeal regarding a complaint of discrimination and/or harassment, the department shall involve an impartial appropriately ranked institutional administrator, Human Resources Director, and/or ombudsperson to facilitate the appeal process and ensure fairness to all parties involved.

4.2.1 Timeline for Appeal. To ensure the timely resolution of conflicts involving discrimination and/or harassment, employees who seek to appeal corrective action must do so within five working days of receiving notice of corrective action.

5.0 Conference and NCAA Policies. The department will observe all policies and procedures recommended by the conference [if applicable] and the NCAA [or other appropriate athletics governance organization of which the institution is a member] with regard to diversity and discrimination. Consistent with the NCAA Constitution [or documents of other governance organization], the department is committed to promoting cultural diversity, respect, and sensitivity to the dignity of every person. Further, the department is committed to fostering fair participation in all aspects of competition, administration, and governance. Consistent with conference [if applicable] and NCAA [or other governance organization] philosophy, the department shall:

- encourage the representation of minorities and women in positions of leadership
- make full use of NCAA diversity enrichment and enhancement programs
- establish internships and scholarship programs to encourage and promote the professional advancement of minorities and women in coaching and athletics administration
- maintain staff and sport program statistics related to diversity and use such statistics during the annual review of coaches and other supervisors responsible for hiring or recruiting
- encourage an atmosphere of respect throughout the department

6.0 Diversity Plan. The department shall develop and maintain a diversity plan that establishes goals and objectives for demonstrating diversity improvement, supported by identification, data collection, and annual review of specific key performance indicators.

7.0 Commitment to Regular Self-Evaluation. The athletics director shall be responsible for conducting regular self-evaluations of diversity within the department, including Title IX gender equity assessments, diversity plan annual assessments, review of finalist candidate pools, review of staff diversity by sport and department unit, review of the composition of department committees and review of student-athlete and employee exit interviews. In addition, once every three years, the department shall participate in a formal diversity assessment conducted by an outside consultant. Such evaluations shall be submitted to the Vice President for Student Affairs [or insert similar position] and shall be reviewed by the Intercollegiate Athletics Council.

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