

## EQUAL OPPORTUNITY STATEMENT

In accordance with federal and state laws listed here and referenced below (*Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967; Civil Rights Act of 1866 and 1871, 1981, 1981A, 1983, and 1988; Civil Rights Act of 1991; Equal Pay Act of 1963; Executive Order 11246; Lilly Ledbetter Fair Pay Act of 2009; Title I of the Americans with Disability Act of 1990; Title II of the Americans with Disabilities Act of 1990; Title VII of the Civil Rights Act of 1964; The Genetic Information Nondiscrimination Act of 2008; Section 503 of the Rehabilitation Act of 1972; Section 504 of the Rehabilitation Act of 1973; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Guidelines for Eliminating Discrimination and Denial of Services in Vocational Programs; and The West Virginia Human Rights Act*), the West Virginia Council for Community and Technical College Education and Southern West Virginia Community and Technical College's Board of Governors will enunciate the following equal opportunity nondiscrimination policy in all major publications reaching prospective students, faculty, staff and the general public.

It is the policy of Southern West Virginia Community and Technical College to provide equal opportunities to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit, and that all personnel activities, such as the recruitment, selection, training, compensation, benefits, discipline, promotion, transfer, layoff and termination processes remain free of illegal discrimination and harassment without regard to age, ethnicity, disability status, national origin, race, color, religion, gender (sex), sexual or gender orientation, marital status, and veteran status.

This nondiscrimination policy also applies to all educational programs, to admission, employment and other related activities covered under Title IX, which prohibits sex discrimination in higher education.

Southern West Virginia Community and Technical College also neither affiliates with nor grants recognition to any individual, group, or organization having policies that discriminate on the basis of age, ethnicity, disability status, national origin, race, color, religion, gender (sex), sexual or gender orientation, marital status, and veteran status.

Inquiries regarding compliance with Section 503, Title VII, Section 504, Title IX or any other federal or state nondiscrimination law may be directed to either:

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**OR**

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# **Nondiscrimination Federal and State Laws, and Regulations**

## **Federal**

### **[Age Discrimination Act of 1975](#)**

Protects people from discrimination based on age in programs or activities receiving Federal financial assistance. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing the ADA of 1975.

### **[Age Discrimination in Employment Act of 1967](#)**

Protects individuals who are 40 years of age or older from employment discrimination based on age. The U.S. Equal Employment Opportunity Commission is the agency charged with enforcing the ADEA.

### **[Civil Rights Act of 1866 & Civil Rights Act of 1871 - CRA - 42 U.S. Code 21 §§1981, 1981A, 1983, & 1988](#)**

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

### **[Civil Rights Act of 1991](#)**

Amends the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide monetary damages in cases of intentional employment discrimination. The U.S. Equal Employment Opportunity Commission is the agency charged with enforcing the CRA of 1991.

### **[Equal Pay Act of 1963](#)**

Protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination. The U.S. Equal Employment Opportunity Commission is the agency charged with enforcing the EPA.

### **[Executive Order 11246](#)**

Requires certain government contractors to engage in affirmative action and prohibits discrimination based on race, color, religion, sex, or national origin. The Office of Federal Compliance Programs (U.S. Department of Labor) is the agency charged with enforcing Executive Order 11246 and ensuring that federal contractors are in compliance.

### **[Lilly Ledbetter Fair Pay Act of 2009](#)**

Amends Title VII, the Age Discrimination in Employment Act of 1967, the ADA and the Rehab Act. This act clarifies the time frame victims of discrimination may challenge and recover for discriminatory compensation decisions or other discriminatory practices affecting compensation.

### **[Title I of the Americans with Disability Act of 1990](#)**

Prohibits employment discrimination against qualified individuals with disabilities by employers. The U.S. Equal Employment Opportunity Commission and the Office for Civil Rights are the agencies assigned to enforce Title I of the ADA.

### **Title II of the American with Disabilities Act of 1990**

Prohibits disability discrimination by public entities, including public colleges and universities, whether or not they receive Federal financial assistance. The Office for Civil Rights (U.S. Department of Education) is the agency charged with enforcing Title II of the ADA.

### **Title VII of the Civil Rights Act of 1964**

Protects individuals against unlawful employment practices based on their race, color, sex, religion and national origin. The Civil Rights Act of 1991 significantly extended plaintiffs' rights under Title VII. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing Title VII.

**The Genetic Information Nondiscrimination Act of 2008** which prohibits discrimination on the basis of genetic information with respect to health insurance (Title I) and Employment (Title II). The U.S. Equal Employment Opportunity Commission is the agency charged with enforcement.

### **Section 503 of the Rehabilitation Act of 1972**

Section 503 of the Rehabilitation Act of 1973 prohibits discrimination and requires employers with federal contracts or subcontracts that exceed \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities.

### **Section 504 of the Rehabilitation Act of 1973**

Protects people from discrimination in admission, employment, treatment or access based on disability in programs or activities receiving Federal financial assistance. The Office for Civil Rights (U.S. Department of Education) is the agency charged with enforcing Title VI.

### **Title VI of the Civil Rights Act of 1964**

Prohibits discrimination on the basis of race, color, national origin, religion, sex in any program or activity receiving Federal financial assistance. Programs and activities that receive Federal financial assistance from the U.S. Department of education are covered by Title VI. The Office of Civil Rights (Department of Education), is the law enforcement agency charged with enforcing Title VI.

### **Title IX of the Education Amendments of 1972**

Prohibits discrimination on the basis of sex in the education programs or activities and extends coverage to employment and admission to institutions that receive Federal financial assistance. The Office for Civil Rights (U.S. Department of Education) is the law enforcement agency charged with enforcing Title IX.

**Guidelines for Eliminating Discrimination and Denial of Services** on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs, 34 CFR Part 100, Appendix B (Guidelines). The Office for Civil Rights (U.S. Department of Education) is the law enforcement agency charged with enforcement.

## **State Law: West Virginia**

### **[West Virginia Human Rights Act](#)**

The West Virginia Human Rights Act, found in the West Virginia Code, Chapter 5, Section 11, protects employees from unlawful discrimination in the workplace. It states that an employee cannot be fired, denied employment, or treated in a different manner which adversely affects that employee's employment status or environment because of their race, religion, color, national origin, ancestry, sex, age (40 and above), blindness and/or disability. The Human Rights Act also protects employees from sexual and racial harassment and allows for reasonable accommodations for persons with disabilities. As with the Fair Housing Act in West Virginia, the West Virginia Human Rights Act also protects individuals who oppose discrimination and/or complain about discriminatory practices to management within the company or to the West Virginia Human Rights Commission. The Act states that these are protected activities, for which an employer cannot retaliate against an employee for participating.

The [West Virginia Human Rights Commission](#) is the agency charged with enforcement of the act. The West Virginia Code of State Rules (CSR), Title 77 CSR 2, governs the procedures for the Human Rights Commission, and specific regulations for sexual harassment are contained in 77 CSR 4.