

Office of Employee Relations and Equal Opportunity



USC UPSTATE

Summer 2011

Title IX and Sexual Violence

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. When Title IX is mentioned, there may be a tendency to think of it only in the context of athletics. However, Title IX extends to many other aspects of an institution including but not limited to academics, employment and sexual violence.

On April 4, 2011, the Office for Civil Rights (OCR) released a "Dear Colleague" letter regarding sexual violence. The purpose was "to explain that the requirements of Title IX cover sexual violence and to remind schools of their responsibilities to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX" (Dear Colleague Letter: Sexual Violence, Background, Summary, and Fast Facts).

According to OCR, almost 20% of college women will be victims of attempted or actual sexual assault during their college experiences. The letter provided additional guidance about an institution's obligation to independently address sexual violence despite any criminal investigation that may be occurring.

For more information about Title IX at USC Upstate, visit:
www.uscupstate.edu/about_upstate/employment/ereo/default.aspx?id=29096

The following flyer is posted in campus buildings for additional reference:

www.uscupstate.edu/uploadedFiles/About_upstate/Employment/Equal_Opportunity/Title%20IX.pdf

Equal Opportunity in the Search Process: Search Committee Orientations

If you are serving on a search committee for a vacant job position and have not reviewed equal employment opportunity guidelines, the Employee Relations and Equal Opportunity office encourages you to contact us at extension 5344 to review equal opportunity policies and practices.

Statement of Non-Discrimination

The University of South Carolina Upstate provides equal opportunity and affirmative action in education and employment for all qualified persons regardless of race, color, religion, sex, national origin, age, disability, veteran status and sexual orientation. These equal opportunity provisions include but are not limited to admissions, employment, financial aid and student services.

Employees should take time to review USC system equal opportunity policies EOP 1.00 – 1.04.

For assistance with discrimination concerns, contact:

**Employee Relations and Equal Opportunity
Administration Bldg. 310**

Phone: 864-503-5344

Fax: 864-503-5364

A discrimination and harassment prevention and response online tutorial is available via the university's web page at:

www.uscupstate.edu/uploadedFiles/About_upstate/Employment/Equal_Opportunity/Discrimination%20and%20Harassment%20What%20You%20Need%20To%20Know%20Online%20Tutorial.pdf

The ADA Amendments Act of 2008 (ADAAA)

The Equal Employment Opportunity Commission's (EEOC) long-awaited regulations under the American with Disabilities Act Amendment Act (ADAAA) became effective on May 24, 2011. The major focus of the regulations broadens the definition of a disability. The new regulations do not offer any substantive changes that will alter policy and practices implemented as a result of the ADAAA, but do provide clarification and additional guidance. The effect of these changes is to make it easier for an individual seeking protection under the Americans with Disabilities Act (ADA) to establish that he or she has a disability within the meaning of the statute.

The following web site provides a fact sheet about the statute and final regulations:
www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm

Are You Properly Reporting Your Work Hours?

The Federal Fair Labor Standards Act, often called the Overtime Law, which was passed by Congress in 1935, applies to many University employees.

The law describes which types of jobs are exempt (not eligible for overtime) and non-exempt (eligible for overtime). If you report your work hours, you are working in a non-exempt job and are therefore eligible for overtime. If your position is non-exempt, you must report all hours that you actually work. If you actually work more than 40 hours in a week, you must receive overtime pay or compensatory time. Overtime pay is 1½ times your regular hourly rate. Compensatory time is earned at 1½ hours for each hour worked over 40. Leave time taken does not count as time worked when calculating overtime.

Some employees and supervisors think you only need to put down 7½ hours a day, regardless of the actual hours worked. That is incorrect. Using ITAMS, you must enter the actual hours worked and the leave taken. If you actually worked 10 hours you must show 10 hours, or, on the other hand, if you actually worked 6 hours you must show 6 hours.

To reduce overtime pay, supervisors can adjust an employee's schedule within the same workweek so that no more than 40 hours is worked. Supervisors cannot require employees to work and not report the work hours. Some call this "working off the clock" and it is against the law.

For more information, consult university policy HR 1.84: Minimum Wage and Overtime Compensation:
www.sc.edu/policies/hr184.pdf

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