

## Appendix A. EEO/Affirmative Action Program

### II. Procedures

#### A. Dissemination of the University's EEO/Affirmative Action Policy Program (Updated 7-08)

##### 1. Internal Dissemination

a. The University will distribute its equal opportunity policy statement to all its personnel through policy handbooks and its other communications media. Additionally, all new employees will receive a copy of the Idaho State University Equal Employment Opportunity (EEO)/Affirmative Action Program as well as a thorough explanation of their rights and responsibilities under it from ~~Personnel Office~~Human Resources staff at the time health insurance and other enrollment forms are completed.

b. The EEO/Affirmative Action Officer will conduct special training programs for administrators of operating departments and units within the University to explain the intent of the EEO/Affirmative Action Policy Program and individual responsibility for effective implementation. Each October, she/he shall meet with the vice presidents and other major administrative officers to ~~review changes in or problems identified through operation of the policy~~discuss the status of the EEO/Affirmative Action Program.

c. During the first semester of each academic year, ~~each department and unit on campus shall arrange with the Affirmative Action Office the attendance of the EEO/Affirmative Action Officer~~ shall notify each department or unit on campus that she/he is available to attend at a regular departmental meeting to discuss with all employees coverage of the EEO/Affirmative Action Program and to answer questions.

d. Sufficient copies of the EEO/Affirmative Action Policy Statement and Plan shall be maintained in ~~the Office of the Vice President/Dean of Student Affairs, TRIO Student Services, Enrollment Planning and Academic Services, ADA & Disabilities Resource Center, Career Development Center, Counseling & Testing Center, and Center for New Directions~~all student services offices (e.g., Office of Dean of Students, Student Government Office, Student Special Services, Financial Aids, Counseling Center, etc.) for reference and distribution to students upon request.

##### 2. External Dissemination

a. The EEO/Affirmative Action Officer will communicate the University's Equal Opportunity~~EEO~~/Affirmative Action Policy Program in writing to all individuals who

recruit for the University and to all recruiting sources, requiring them to communicate to all prospective employees for all positions the existence of the University's EEO/Affirmative Action Program.

b. The University will, through the office of the ~~Financial~~ Vice President for Finance and Administration, incorporate the ~~Equal Opportunity~~ clause in all purchase orders, leases, contracts, etc., as outlined in Executive Order 11246, as amended.

c. The EEO/Affirmative Action Office shall inform all recruitment sources in writing of the University's policy and request that these entities actively recruit and refer ~~persons with disabilities, minority group members and women~~ individuals with legally protected status to the University. Among the sources to be notified by the EEO/Affirmative Action Office are, but not limited to, ~~are the~~ Department of Employment, YWCA, Japanese-American Citizens League, Inter-Tribal Policy Board, NAACP, the Idaho Migrant Council, the Idaho Personnel Commission, and State Department of Vocational Rehabilitation. Each ~~academic department~~ chairperson\* shall annually so notify the appropriate professional organizations for her/his discipline (e.g., American Historical Association) so that the EEO/Affirmative Action Officer can ~~send~~ a copy of the ~~correspondence to the Affirmative Action Office~~ University's EEO/Affirmative Action Program to these organizations.

d. The Coordinator of Printing Services shall ensure that all publications produced by or for the University for external or internal distribution contain an updated EEO/Affirmative Action statement and plan. Photographs published in conjunction with University recruiting and other publicity documents should, where appropriate, illustrate the University's student and employee mix with regard to individuals with legally protected status ~~minority, female and persons with disabilities participation~~.

e. Henceforth, new official printed materials distributed by the Institution shall, at the very least, note that Idaho State University is an Equal Opportunity Institution. This tagline shall be included at the base of all letterhead used by offices on campus.

\*The National Association of Parliamentarians has resolved that the term "chairman" is used rather than "chairperson". However, in keeping with the intent and spirit of EEO/aAffirmative aAction, "chairperson" will be used throughout this program to designate either female or male incumbents.

## **B. Administrative Responsibility**

1. The overall responsibility for the effective implementation of the EEO/Affirmative Action Program rests with the President of the University. His/her visible and definitive support is understood to be a chief component in the viability of the program. He/she will:

a. Report the University's EEO/aAffirmative aAction activity and progress to the State Board of ~~Trustees-Education~~ whenever appropriate and this information report will be carried as an informational item on the State Board of ~~Trustees-Education~~ agenda.

b. Assign operating responsibility for implementation of the program to the administrators as appropriate.

c. The President, as the executive officer of Idaho State University will determine the appointment of individuals employed directly under him/her and accountable to him/her with the understanding that EEO/Affirmative Action policies and procedures will be carried out as set forth in the University's EEO/Affirmative Action PolicyProgram and subject to the approval of the State Board of ~~TrusteesEducation~~.

2. Specific authority and responsibility for the administration of the program will be delegated to the EEO/Affirmative Action Director who will:

a. Ensure that the latest legal developments in EEO/aAffirmative aAction are disseminated to the President and the responsible-appropriate administrators.

b. Propose to the President or his/her designee the revision of the University's policies, as needed to ensure compliance.

c. Serve as liaison between the University, Federal and State regulatory agencies, and organizations serving the interest of individuals with legally protected status~~members of federally designated groups~~.

d. Design and implement internal audit-review and reporting-monitoring systems to:

(1) measure the program's effectiveness;

(2) determine the degree of progress made; and

(3) determine the need for remedial action.

e. Report quarterly to the President of the University and his/her designated administrators on the progress of each administrative unit in relation to the program and the University goals and timetables.

f. Assist vice presidents, deans, department chairpersons, program directors and supervisors in collecting and analyzing employment and enrollment data, identifying problem areas, developing goals, and timetables, and programs, and activities to achieve goals and further the success of the Pprogram.

g. Interpret and communicate the University's Equal Employment OpportunityEEO/Affirmative Action PolicyProgram internally and externally.

h. Develop, schedule and/or conduct awareness and attitudinal change workshops on topics relevant to EEO/Affirmative Action.

i. Develop procedures for auditing-reviewing transfers and promotions to determine the impact of current policies and procedures on ~~members of federally designated groups~~ individuals with legally protected status and recommend changes as ~~the need is indicated~~appropriate.

j. Determine whether employees and students ~~who are members of federally designated groups with legally protected status~~ are afforded full opportunity and encouragement for participation in all University sponsored educational training and recreational programs.

k. Monitor-Review recruiting, screening, and hiring activities to ensure compliance with EEO/Affirmative Action procedures.

l. Encourage University sponsored educational, training, and recreational programs, both on and off campus, which develop cultural awareness, and awareness of special ~~problems of women, minorities, persons with disabilities and senior citizens~~challenges of individuals with legally protected status, provide needed services for any of the above and/or for Vietnam Era Veterans, or otherwise further the cause of equal employment opportunity/affirmative action.

m. Cooperate with vice presidents, deans, department chairpersons, program directors, supervisors and members of the affected groups in determining the need for:

(1) special accommodations for employees with disabilities, students, or qualified applicants;

(2) special programs and/or services to aid ~~members of federally designated groups~~ individuals with legally protected status in completing their education; and

(3) special programs, facilities and allocation of funds to provide for equitable athletic programs for women and students with disabilities as compared with those provided for men students.

n. Should the EEO/Affirmative Action Officer position be vacated, the University President will appoint an acting EEO/Affirmative Action Officer until an appropriate search can be made conducted.

o. Keep University vice presidents, deans, department chairpersons and program directors informed of latest developments in the entire equal opportunity area.

p. Make sure that supervisors take actions to prevent harassment of employees placed through EEO/Affirmative Action efforts.

3. The EEO/Affirmative Action Policy Committee shall consist of not more than twelve members, appointed by the Office of President ~~by April 1 of~~ each year. Its composition will be 50% men and 50% women, with not less than a 10% minority group membership and not less than 10% persons with disabilities membership, if possible. The committee members will represent the student body and all areas of the work force: administrative, faculty, and staff. They will elect their own chairperson. Members of the committee may serve up to three continuous years. Members shall be appointed in such a fashion that each year there shall be at least three members remaining from the previous year to ensure continuity. The Committee shall have the following responsibilities:

a. To develop and recommend additional EEO/aAffirmative aAction policy statements as the need arises.

b. To assist the EEO/Affirmative Action Officer in the review of the effectiveness, adequacy, and appropriateness of the University's programs for increasing employment opportunities for ~~minority group members, women and persons with disabilities~~individuals with legally protected status.

c. To develop additional EEO/aAffirmative aAction programs as the need arises.

4. The EEO/Affirmative Action Grievance Committee will review complaints of discrimination by all University personnel. This Committee will consist of not more than ten members with a quorum consisting of a simple majority necessary to conduct business. Its composition will be 50% men and 50% women, with not less than a 10% minority group and a 10% persons with disabilities group membership, if possible. Its members will represent the student body and all areas of the work force: administrative, faculty, and staff. The President will appoint the Committee from nominations submitted by the Student Senate, the Faculty Senate, the Applied College of Technology Faculty Council, and ~~the Personnel the~~ Office of Human Resources. The appointments shall be made no later than April 1 of each year. Committee members on 9-month appointments shall have a 12-month alternate appointment. Student representative alternates shall be recommended by ASISU to the President of the University. Alternates shall be selected to maintain balance. As with the Policy Committee, members shall be appointed in such a fashion that each year there shall be at least three members remaining from the previous year for continuity. (This Committee shall have ready access to the University attorney when necessary.) The Committee members shall elect their own chairperson annually. Members of the Committee may serve up to three continuous years.

5. Each administrator of an operating unit, including academic department chairpersons, is accountable to his/her immediate supervisor for development of goals and timetables and for full implementation of the EEO/Affirmative Action Policy Program ~~and program~~ within his/her area of responsibility.

a. For successful implementation and monitoring of the EEO/Affirmative Action Policy Program, a centralized personnel data file will be developed to gather and maintain

all information necessary for compliance with all applicable affirmative action and civil rights regulations.

b. The President and vice presidents will ensure that the performance of appointing authorities, program directors, department chairpersons and supervisors on affirmative action goals will be rated along with other criteria in evaluation for promotions, merit increases, and raises; and that obstruction of the program may incur disciplinary action.

6. The ~~V~~ice ~~P~~presidents ~~and the Dean of Student Affairs~~, each within his/her area of responsibility, have the following responsibilities:

a. To coordinate and implement EEO/Affirmative Action Program personnel practices including the development of goals and timetables.

b. To assist the EEO/Affirmative Action Officer in training programs for all employees whereby all employees are sensitized to the problems/challenges and legal rights of minority groups, women and persons with disabilities/individuals with legally protected status.

c. To assist the EEO/Affirmative Action Officer in further exploration and development of joint training programs with federal, state, and local agencies in order to increase employment opportunities for women, minority group members, and persons with disabilities/individuals with legally protected status.

d. To be sensitive to the religious holiday needs of employees within his/her departments in compliance with Office of Federal Contract Compliance Programs' guidelines on religious discrimination.

7. The University ~~Personnel~~ Office of Human Resources will serve as the central coordinating office for all personnel. The ~~Personnel~~ Human Resources Director will have the following responsibilities:

a. Publication and interpretation of employment policies.

b. Dissemination of information about opportunities for promotion.

c. Dissemination of information about termination policies and practices.

d. To assist the EEO/Affirmative Action Officer in training programs for all employees whereby all employees are sensitized to the programs and legal rights of minority groups, women and persons with disabilities/individuals with legally protected status.

e. To assist the EEO/Affirmative Action Officer in further exploration and development of joint training programs with federal, state, and local agencies in order to increase employment opportunities for women, minority group members and persons with disabilities/individuals with legally protected status.

- f. Standardization of recruitment, interview, and promotion within the University.
- g. To make the EEO/Affirmative Action Program's Statement and Plan available to all newly hired employees.

### **C. Grievance Procedures**

A grievance procedure is meaningless unless the right to bring complaints before a grievance committee is securely protected before, during and after formal grievance proceedings.

All reasonable steps will be taken by the EEO/Affirmative Action Policy Committee and the Grievance Committee and by the University administration to ensure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of in any way interfering with, preventing, or retaliating for the intended or actual filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the work of the EEO/Affirmative Action Grievance Committee.

Any member of the University community as well as any individual seeking employment at Idaho State University who believes that she/he has been subjected to discriminatory practices or procedures may informally or formally register a complaint with the EEO/Affirmative Action Officer. The formal complaint should be a written statement alleging the incident, the person(s), and/or office perpetrating the discriminatory act and listing witnesses, if any. The complaint must be filed no later than three hundred (300) days from the date of the last alleged discriminatory incident. Time limits for filing certain complaints with federal or state agencies may be different than the filing requirement stated herein. Accordingly, an individual wishing to file with such agencies should communicate with them to determine applicable filing deadlines.

#### 1. Action by EEO/Affirmative Action Officer

##### a. Informal Hearing:

Upon receipt of a formal complaint, the EEO/Affirmative Action Officer will hold an informal hearing within ten (10) working days with all parties concerned in an endeavor to resolve the matter.

##### b. Forwarding complaint to the EEO/Affirmative Action Grievance Committee:

Should the complainant so desire, the EEO/Affirmative Action Officer will forward the formal complaint to the chairperson of the EEO/Affirmative Action Grievance Committee. A copy of the letter and the formal complaint will be furnished to the person or office against whom the complaint is being made.

#### 2. EEO/Affirmative Action Grievance Committee

a. Review:

Within ten working days of receipt of the complaint the EEO/Affirmative Action Grievance Committee will meet to review the case in order to determine, on the basis of jurisdiction, whether to proceed to a formal hearing.

b. Formal hearing:

(1) Should the committee determine to hold a formal hearing of the case, the following steps will be taken:

(a) The ~~chairperson~~hearing officer will acts as the facilitator of the hearing process and coordinates and communicates with the parties regarding the hearing advise each party of the date, time, and place, and deadlines for the parties to submit pre-hearing disclosures of names of witnesses, copies of exhibits, and any other information of the hearing.

(b) The committee has the authority to request the appearance before it of any persons who may have information pertaining to the case.

(c) The committee may request additional written statements and documents from each party.

(d) The committee will request the names of witnesses to be brought by each party and will request the witnesses to appear at the date, time and place of the hearing subject to due process procedures outlined within this policy.

(2) The committee will meet and hear relevant testimony and review documents related to the allegations, while ensuring “due process” for all individuals involved. The objective of the hearing will be to ascertain the facts to enable the committee to make reasoned recommendations. To that end, the hearing will be conducted in an orderly fashion, allowing the parties a fair opportunity to be heard. The hearing is not a trial and formal rules of evidence will not apply. However, the outside attorney or hearing officer appointed may limit evidence that is not relevant or germane to the issues before the committee. To ensure due process Generally, the following procedures will be followed:

(a) All parties are entitled to copies of any documents or other written statements which are submitted to the committee.

(b) All parties are entitled to timely notice of committee hearings related to the complaint and are ensured sufficient time for preparation for such hearings.

(c) The complainant(s) and the respondent(s) will be present during all testimony.

(d) All parties will ordinarily present their side of the matter, but may be assisted by peer counsel (non-attorneys) of their choice. Attorneys may not represent any party during the hearing; although the hearing committee may be advised by counsel.

(e) All parties shall have the right of confrontation of witnesses, and the right to cross-examine such witnesses.

(f) Hearings will be recorded on tape, and all written evidence shall be marked for identification and made part of the record. If transcriptions are required by either party, the requesting party will pay the cost of the transcript.

(g) Parties have the right to call witnesses and present any evidence they desire, subject to the decision of the committee on its relevance.

(h) The committee shall have the right to call witnesses at its discretion.

(i) Parties have the right to be informed in writing of the findings and recommendations of the committee.

(j) At any time during the hearing the complainant may withdraw his/her complaint. In that event the proceedings will be terminated.

c. Findings:

(1) Within ten working days of the hearing the committee will meet in closed session to discuss and vote upon findings and recommended action.

(2) ~~In open session the committee will advise a~~All participants will be notified by mail of the committee's vote findings and recommended action.

(3) The findings and recommendations of the committee will be ~~made and~~ forwarded to the President of the University for timely consideration and action through the EEO/Affirmative Action Officer.

3. Individuals, including those seeking employment at Idaho State University, may also register complaints with appropriate local, state, or federal agencies.

## **D. Procedures for Development and Execution of the Program**

### 1. Methods of Recruitment

a. In order to achieve its affirmative action goals, the University will actively recruit ~~federally defined minority group members, women and persons with disabilities~~individuals with legally protected status, by identifying potential sources of ~~federally defined minority and women candidates and individuals with disabilities~~individuals with legally protected status, making such candidates familiar with the positions available, and encouraging them to apply.

b. In an effort to increase the numbers of ~~minority group, women and persons with disabilities~~individuals with legally protected status, University recruiters will contact the following recruitment sources:

(1) Appropriate local, state, and national organizations representing ~~federally designated minorities, women, persons with disabilities~~individuals with legally protected status; and the professions.

(2) The EEO/Affirmative Action Officer will maintain a file of special recruitment sources for ~~women, federally designated minorities and persons with disabilities~~individuals with legally protected status.

c. The University will include the ~~equal opportunity~~EEO/aAffirmative ~~a~~AAction clause in all advertising for personnel.

d. The University will advertise positions in appropriate local and national news media.

e. The EEO/Affirmative Action Officer will examine qualification requirements for all job categories to ensure that these requirements are free from bias in regard to race, color, religion, national origin, sex, or age, except where sex is a bona fide occupational requirement, and that they do not screen out a disproportionate number of ~~minority group members and/or women or persons with disabilities~~individuals with legally protected status in the recruiting process.

f. The EEO/Affirmative Action Office will identify and then recommend modifications, eliminations, or justifications of those qualifications for employment prior to their dissemination that prove consistently to discourage appointments of ~~women, persons with disabilities and federally designated minority individuals~~individuals with legally protected status.

The EEO/Affirmative Action Officer will review and recommend action on all recruitment procedures in advance of any advertisement of openings. The EEO/Affirmative Action Officer will see that all openings are widely and openly advertised, but with the understanding that Idaho State University is committed to promotional opportunities within the institution which advance the goals of EEO/aAffirmative Action and the recognition of qualified persons. The ~~equal opportunity~~EEO/aAffirmative ~~a~~AAction clause should also be included in all advertising for personnel.

g. For all openings, the EEO/Affirmative Action Office will monitor and approve or disapprove selection procedures before an offer is made to a particular candidate. In case of disapproval of this particular selection procedure, the EEO/Affirmative Action Officer will determine selection procedure changes which will assure compliance with EEO/aAffirmative ~~a~~AAction procedures and regulations.

h. The EEO/Affirmative Action Officer or a designated representative from the EEO/Affirmative Action Policy Committee may be appointed by the appropriate University officer to serve as a consultant in any approved selection procedure or as a consultant to any selection committees at any level within the University.

i. The EEO/Affirmative Action Officer will record and present to the President of the University and to the Idaho Personnel Commission any internal evidence that state personnel policies (recruiting, establishing job classification qualifications, and disseminating information) discriminate against ~~women, federally designated minority group members and persons with disabilities~~ individuals with legally protected status.

j. The department or unit hiring authorities will maintain for a period of one year a file of all minority and female applicants for University positions at all levels and will search this file as positions become available identifying minority group members and women and shall contact those individuals identified by notifying them in writing of current vacancies and requesting some response as to interests in availability, particularly in areas in which minorities and/or women are not currently, or have not traditionally, been employed.

## 2. Training

To provide vertical and lateral mobility for classified personnel, the University will:

a. Continue to grant educational release time for classified personnel, at the discretion of the supervisors concerned, provided such release time be made up, and provided that such release time for educational purposes conforms to policies established by the University and/or its State Board of Trustees Education.

b. Continue, through appropriate offices within the University, to provide management seminars for supervisory personnel, especially encouraging ~~members of federally designated groups~~ individuals with legally protected status to participate.

c. Continue to make reasonable time and funds available for the attendance of personnel at appropriate off-campus seminars, workshops, and training sessions which will enhance their skills, giving special encouragement for participation to ~~members of federally designated groups~~ individuals with legally protected status.

## 3. Performance Appraisal

-Uniform evaluation procedures will be developed and/or implemented and all personnel will be evaluated annually in terms of the actual requirements of their respective positions.

a. The Office of Personnel-Human Resources will be responsible for the development and implementation of evaluation procedures for classified personnel.

b. The President and appropriate administrators will be responsible for development of evaluation procedures for administrative and ~~exempt~~nonclassified personnel.

c. The Provost/Vice President for Academic ~~a~~Affairs will be responsible for the evaluation of faculty members.

#### 4. Transfer and Promotion

The EEO/Affirmative Action Officer will review and recommend action on recruitment procedures in advance of any advertisement of openings. The EEO/Affirmative Action Officer will see that openings are widely and openly advertised, but with the understanding that Idaho State University is committed to promotional opportunities within the institution which advance the goals of EEO/aAffirmative ~~a~~Action and the recognition of qualified persons. When considering whether an internal search or promotion is appropriate, the following general guidelines should be used provided any deviation from an external search will be judged on the particulars of the individual situation and must be approved by the EEO/Affirmative Action Officer in advance.

a. Internal search or promotion should only be considered for upper level promotional positions (e.g. directors, assistant directors, deans, associate deans, etc.).

b. Promotion within an office may be appropriate where there is a commonly understood direct line of progression through the ranks and where the lower level positions from which the candidates might advance have in the past been filled in accordance with EEO/aAffirmative ~~a~~Action procedures in effect at the time of the candidates' original appointments (e.g. from assistant director to director).

c. Where there is no direct line of progression, it is not acceptable to just appoint an individual without making the vacancy known to, and soliciting applications from, all potentially qualified persons on campus. If there is a pattern whereby all of the persons on campus likely to qualify for the position come from positions historically held by majority group members, internal selection will be disallowed.

The EEO/Affirmative Action Officer will be responsible for collecting statistical summaries of transfers and promotions as of April 1 for the purpose of ~~developing and maintaining procedures for auditing reviewing~~ promotions and transfers to determine the impact on current policies and procedures on ~~minorities, women, persons with disabilities and Vietnam era veterans~~individuals with legally protected status.

1. The Office of Personnel-Human Resources will be responsible for ~~monitoring reviewing~~ and reporting to the EEO/Affirmative Action Officer promotions and transfers of all classified personnel.

2. Appointing authorities will be responsible for ~~monitoring reviewing~~ and reporting to the EEO/Affirmative Action Officer promotions and transfers of faculty, ~~exempt~~nonclassified, and administrative personnel within their organizational units.

3. A copy of Personnel Recommendation forms on each transaction shall be sent to the EEO/Affirmative Action Office by the ~~Personnel~~ Office of Human Resources to be used for statistical analysis.

#### 5. Layoff and Return from Layoff

The EEO/Affirmative Action Officer will be responsible for collecting statistical summaries of employees laid off and/or reinstated as of April 1 for the purpose of developing and maintaining procedures for auditing-reviewing layoff and return from layoff\* to determine the impact on current policies and procedures on ~~minorities, women, persons with disabilities and Vietnam era veterans~~ individuals with legally protected status.

a. The Office of ~~Personnel~~ Human Resources will be responsible for monitoring reviewing and reporting to the EEO/Affirmative Action Officer layoffs and returns from layoff\* of all classified personnel.

b. Appointing authorities will be responsible for monitoring-reviewing and reporting layoffs and returns from layoff\* of faculty, ~~exempt nonclassified,~~ and administrative personnel within their organizational units.

\* "Layoff" is used here to indicate non-renewal of contract due to financial exigency and/or the implementation of a reduction-in-force program.

#### 6. Disciplinary Actions

The EEO/Affirmative Action Officer will be responsible for collecting statistical summaries of disciplinary actions as of April 1 for the purpose of developing and maintaining procedures for auditing-reviewing disciplinary actions to determine the impact on current policies and procedures on ~~minorities, women, persons with disabilities and Vietnam era veterans~~ individuals with legally protected status.

a. The Office of ~~Personnel~~ Human Resources will be responsible for monitoring reviewing and reporting to the EEO/Affirmative Action Officer disciplinary actions of all classified personnel.

b. Appointing authorities will be responsible for monitoring-reviewing and reporting to the EEO/Affirmative Action Officer disciplinary actions of faculty, ~~exempt nonclassified,~~ and administrative personnel within their organization units. ~~\* "Layoff" is used here to indicate non-renewal of contract due to financial exigency and/or the implementation of a reduction in force program.~~

#### 7. Terminations and Resignations

The EEO/Affirmative Action Officer will be responsible for collecting statistical summaries of terminations and resignations as of April 1 for the purpose of developing

and maintaining procedures for ~~auditing-reviewing~~ terminations and resignations to determine the impact on current policies and procedures on ~~minorities, women, persons with disabilities and Vietnam era veterans~~ individuals with legally protected status.

a. The Office of ~~Personnel-Human Resources~~ will be responsible for ~~monitoring reviewing~~ and reporting to the EEO/Affirmative Action Officer terminations and resignations of all classified personnel.

b. Appointing authorities will be responsible for ~~monitoring-reviewing~~ and reporting to the EEO/Affirmative Action Officer terminations and resignations of faculty, ~~exempt nonclassified,~~ and administrative personnel within their organizational units.

c. When possible the University ~~Personnel-Office of Human Resources~~ will conduct exit interviews with all departing employees to ascertain the employees' perceptions of their treatment while at the Institution and their reasons for leaving.

#### **E. ~~Internal Audit~~ Annual Analysis and Reporting Systems**

1. The EEO/Affirmative Action Officer will conduct an annual analysis as a means of evaluating the effect of the University's current policies and procedures on the accessibility of educational programs, extracurricular activities, and related services to students of either sex or of the various ethnic groups and will make recommendations of modifications and/or remedial actions to alleviate any inequities which may exist.

2. Deans, department chairpersons, program directors, and supervisors will cooperate with the EEO/Affirmative Action Officer by providing relevant information for analysis. This information will include:

a. Descriptions of courses and programs offered under their jurisdiction which are of special interest to EEO/aAffirmative aAction/equal opportunity, including but not limited to:

(1) Ethnic Studies;

(2) Cultural Awareness and related offerings;

(3) Programs and courses devoted to problems or concerns of any ~~federally designated group~~ individuals with legally protected status;

(4) Programs and courses of special interest to members of any ~~federally designated group~~ individuals with legally protected status;

(5) Athletic/recreation programs;

(6) Scholarship programs;

(7) Counseling programs; and

(8) Remedial academic programs.

b. Data of value in determining effectiveness of or problems involved in these programs, including but not limited to:

(1) Student or staff participating by sex, ethnic, or persons with disabilities status, as appropriate (if not available from the Computer Center).

(2) Comments by participants on the acceptability or appropriateness of these programs in terms of stated objectives; i.e., acceptability of a cultural awareness program to persons of that culture or appropriateness of a presentation on problems of the blind as assessed by a blind person.

(3) Data indicating improvement or lack of improvement in academic work by ~~members of federally designated groups~~ individuals with legally protected status who were participants in a program such as provided by Special Services.

c. Input of members of concerned or affected groups into the development of such programs as those listed above.

3. The Registrar's Office will submit data to the EEO/Affirmative Action Office annually which will include:

a. Student enrollment by ethnic group and sex according to grade level.

b. Student enrollment by ethnic group and sex according to major/minor.

Any original or revised formats for reporting these data will be developed with the cooperation of the EEO/Affirmative Action Officer.

4. The Admissions Office will submit data to the EEO/Affirmative Action Office annually which will include:

a. A breakdown of applicants by ~~federally designated groups~~ individuals with legally protected status.

b. A breakdown of recruitment efforts by ~~federally designated groups~~ individuals with legally protected status.

5. The EEO/Affirmative Action Officer will continue to develop and administer an ongoing program to monitor the utilization of ~~women, minorities and disabled and Vietnam era veterans~~ individuals with legally protected status in the work force, identify any deficiencies that may exist, and provide each hiring authority with a data guide for EEO/aAffirmative aAction efforts. The basic elements of these data guides will be:

a. Summary of statistical data showing the distribution of minority and female employees by job classification within each organizational unit.

b. Summary of statistical data showing the distribution of disabled/~~Vietnam era veterans~~ and persons with disabilities employeesd within the University's work force.

c. Data, as available, establishing the availability of ~~females, minorities, disabled/Vietnam era veterans, and persons with disabilities~~ individuals with legally protected status, and considering the following factors:

(1) The ~~minority, female, persons with disabilities and disabled/Vietnam era veteran~~ individuals with legally protected status population of the University labor market area.

(2) The size of the ~~minority, female, persons with disabilities and disabled/Vietnam era veteran~~ individuals with legally protected status unemployed work force in the University labor market area.

(3) The percentage of ~~the female, minority, persons with disabilities and disabled/Vietnam era veteran~~ individuals with legally protected status work force as compared with the total work force in the University labor market area.

(4) The general availability of ~~females, minorities, persons with disabilities and disabled/Vietnam era veterans~~ individuals with legally protected status having requisite skills in the University labor market area.

(5) The availability of ~~females, minorities, persons with disabilities and disabled/Vietnam era veterans~~ individuals with legally protected status having requisite skills in an area in which the University can reasonably recruit.

d. Definitions of recruiting areas for major job classifications, e.g., local, county, regional, and national.

e. Where deficiencies exist within the work force as a whole and/or within specific job classifications, ~~corrective action will be taken~~ review of those deficiencies will be conducted.

## **F. Compliance with Disabled Veterans/Vietnam Era Veterans/Persons with Disabilities**

### **1. Mandatory Requirements**

Idaho State University will not discriminate against the disabled veterans, Vietnam era veterans, and persons with disabilities in employment because of physical or mental disabilities in regard to any position for which the employee or applicant for employment is qualified.

The University agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled veterans, Vietnam era veterans, and persons with disabilities without discrimination based upon their physical or mental disability in all employment practices as stated in 60.741.4 of the Federal Rules and Regulations.

## 2. Identification of Applicants and Employees

The University invites all applicants and employees who believe themselves covered by the Act and who wish to benefit under the EEO/Affirmative Action Program to identify themselves. This information is voluntarily provided and is kept confidential. Refusal to provide it will not subject the applicant to any adverse treatment.

The EEO/Affirmative Action Program will be reviewed and updated annually. The EEO/Affirmative Action procedures are available to any employee or applicant for employment upon request.

## 3. Review of Personnel Procedures

Idaho State University will review its personnel processes to determine whether the present procedures assure careful, thorough, and systematic consideration of the job qualifications of known disabled veterans, Vietnam era veterans, and persons with disabilities applicants and employees for the job vacancies filled either by hiring or promotion and for all training opportunities offered or available.

In the event that it is necessary to modify personnel procedures, the University will include the development of new procedures for this purpose in the EEO/Affirmative Action program as the need arises.

## 4. Review of Physical and Mental Requirements

Idaho State University will provide and adhere to a schedule for the review of all physical or mental job qualification requirements to ensure that qualification requirements do not screen out qualified disabled veterans, Vietnam era veterans, and persons with disabilities.

The University will make a reasonable accommodation to the physical and mental limitations of its employees and applicants unless the accommodation imposes an undue hardship on the conduct of the University's business.

## 5. Review of Employment Practices

Idaho State University will review its employment practices to determine whether its personnel programs provide the required affirmative action for employment and advancement of qualified disabled veterans, Vietnam era veterans, and persons with disabilities.

The University, through internal communication with executive management, will inform all departments of its obligation to attract and to encourage disabled veterans, Vietnam era veterans, and persons with disabilities; the University is committed to increase employment opportunities for those qualified individuals.

Idaho State University will enlist the assistance and support of recruiting sources including [the ADA & Disabilities Resource Center](#), State employment security agencies, State vocational rehabilitation agencies, college placement officers, and State education agencies to provide meaningful employment opportunities to qualified disabled veterans, veterans of the Vietnam era, and persons with disabilities.

## **G. Sex Discrimination Guidelines**

### **1. Recruitment and Advertisement**

- a. Idaho State University will recruit employees of both sexes for all jobs unless sex is a bona fide occupational qualification.
- b. The University will not advertise in newspapers or other media for a sex preference unless sex is a bona fide occupational qualification.

### **2. Job Policies and Practices**

- a. Idaho State University affirms its policy that there shall be no discrimination against employees on the account of sex and that employees of both sexes shall have an equal opportunity to any available jobs that he or she is qualified to perform unless sex is a bona fide occupational qualification.
- b. Idaho State University will not make any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment.
- c. In accordance with the Department of Labor, Office of Federal Contract Compliance, Title 41 CFR 60-20 Guidelines on Sex Discrimination, the University considers pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery as any other temporary disability and will be treated as such according to the Policy Manual on Higher Education, as stipulated in Section 605.2 for non-professional personnel and Sections 511.2 for professional personnel. These rules and regulations are subject to revisions and update by the Board of Higher Education.
- d. The University will not make any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex and will not deny employment to women with young children unless it has the same exclusionary policies for men.
- e. Idaho State University will not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age.

f. The University will not discriminatively restrict one sex to certain job classifications and will take positive steps to make jobs available to qualified employees in all classifications without regard to sex.

## **H. Compliance with Religion or National Origin**

Under the Equal Employment Clause contained in Section 202, Executive Order 11246, as amended, Idaho State University will not discriminate against employees or applicants for employment because of religion or national origin and will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their religion or national origin.

1. Idaho State University will review its employment practices to determine whether employees of the various religious/ethnic groups are receiving fair consideration for job opportunities.
2. The University will review employment records to determine the availability of promotable and transferable members of various religious and ethnic groups.
3. The University will establish meaningful contacts with religious and ethnic organizations and leaders for such purposes as advice, education, technical assistance, and referral of potential employees.
4. The University will engage in significant recruitment activities at the educational institutions.
5. The University will use religious and ethnic media for institutional and employment advertising.
6. The University will accommodate the religious observances and practices of an employee or prospective employee, unless the employer demonstrates that it is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

## **I. Sexual Harassment**

Harassment on the basis of sex is a violation of Section 703 of the Title VII of the Civil Rights Act of 1964 as amended, interim amendment to Guidelines 1604.11 on discrimination because of sex and as interpreted by courts of competent jurisdiction.

### **1. Policy**

The sexual harassment of any student, employee, or recipient of the services of this University is absolutely forbidden. Idaho State University has designated the Center for Health and Counseling Services, the Office of the Vice President/Dean of Students<sup>2</sup>

Affairs Office, and the EEO/Affirmative Action Office for receiving complaints of sexual harassment. The investigation of these complaints will be handled by the EEO/Affirmative Action Officer, or in his/her absence, an appointed hearing officer designated by the Grievance Committee. Any employee, vice president, dean, supervisor, department chairperson, or faculty member who is made aware of an alleged incident of sexual harassment will take immediate action to bring the matter to the attention of the most appropriate University authority who will take immediate action pursuant to this policy.

This policy applies to all faculty, staff, and students during activities on any University property or any University related activities occurring away from campus. The University will not tolerate harassment of its faculty, staff, or students by persons conducting business with or visiting the University, even though the persons are not directly affiliated with the University. All complaints and information will be taken seriously, will be investigated when appropriate, and appropriate action will be taken when warranted by the facts. This policy applies regardless of the gender of the parties; i.e., same-sex harassment is within the coverage of this policy.

Sexual harassment of a student is defined as the use of an employee's authority to emphasize the sexuality or sexual identity of a student in a manner which prevents or impairs that student's full employment of educational benefits, climate, or opportunities. It includes faculty behavior that covertly or overtly uses the power inherent in the status of a professor to affect negatively a student's educational experience or career opportunities on the basis of sexual identity and/or to threaten, coerce, or intimidate a student to accept sexual advances or risk reprisal in terms of a grade, a recommendation, a professional growth opportunity, or a job.

Sexual harassment of an employee or of an applicant for employment is defined as: unwelcome sexual advances, request(s) for sexual favors, and other verbal or physical conduct of a sexual nature (1) when a qualified person is denied employment because of another's submission to such conduct, (2) when submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment, (3) when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, (4) when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment provided that a reasonable person would find the conduct severely hostile or pervasive. Additionally, a person who is qualified for but denied an employment benefit because of another's submission to sexual harassment is protected by this policy.

Sexual harassment of a recipient of the services of this University is defined as overt or covert behavior on the part of an employee that has the effect of limiting the individual's opportunity for receiving services by focusing on that individual's sexual identity or sexuality in a way that either threatens, coerces, intimidates the individual, or impairs the individual's use of services.

## 2. Distribution

This policy will be disseminated to all employees of the department. Vice presidents, Deans, supervisors, and department chairpersons are expected to announce the policy at staff and faculty meetings and make all departmental employees aware of it.

## 3. Retaliation Statement

Students and/or employees who complain of harassment or discrimination, or provide information related to such complaints, or oppose harassing and/or discriminating behavior, shall be protected against retaliation. Retaliation is considered as serious as prohibited harassment and immediate and appropriate disciplinary action, up to and including expulsion, shall be instituted. During the complaint investigation, all parties shall be reminded that retaliation is prohibited.

## 4. Investigation and Resolution

### a. Filing

Employees and students are encouraged to file complaints on the subject through the University's grievance procedure. Due to the sensitive nature of this subject, any person or step normally part of the grievance procedure may be bypassed if the complainant feels it is necessary to do so. The offices that are designated for students to file complaints are: the Office of the Vice President/Dean of Student Affairs; Center for Health and Counseling Services; ~~Dean of Students' Office~~; and EEO/Affirmative Action Office.

If an employee so chooses to bypass the grievance procedure, he/she should contact the EEO/Affirmative Action Officer for additional advice on other procedures.

### b. Confidentiality

Due to damage that could result to the career and reputation of any person falsely or in poor faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant. Only those persons responsible for investigating and enforcing civil rights matters will have access to confidential communications.

### c. Investigation Procedure

When an allegation of sexual harassment is made of any employee, the Grievance Committee or its appointee will take immediate steps to:

(1) Obtain a statement or grievance from the complainant regarding the times, dates, places, and circumstances surrounding the allegations.

(2) Discuss the matter with the accused.

(3) Obtain statements of witnesses or possible witnesses, if any.

(4) The EEO/Affirmative Action Officer, or in his/her absence, an appointed hearing officer designated by the Grievance Committee, shall prepare a report of the investigation and submit it to the highest administrative authority in the University.

#### d. Action and Resolution

Based on the report, the ~~designated authority~~ EEO/Affirmative Action Officer shall take immediate and appropriate corrective action. In determining whether alleged conduct constitutes sexual harassment, the ~~designated authority~~ EEO/Affirmative Action Officer will ~~look at~~ consider the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts on a case by case basis.

If there appears to be no foundation to the allegation other than the complaint:

(1) No record shall be made of the allegation in either the accused or accuser's personnel records.

(2) A reiteration of the policy against sexual harassment may be appropriate.

(3) Bad faith allegations or use of this policy for unintended purposes may result in disciplinary action against the accuser.

If a foundation for the allegation exists, disciplinary action against the offending ~~employee~~ person will follow. The disciplinary action will be commensurate with the scope and severity of the occurrence, and may include, but is not limited to, demotion, suspension, dismissal, warnings, or reprimands. Additionally, every effort shall be made to provide appropriate relief for the victim.