

**EEO Plan**  
**March 2012**



NORTH CAROLINA STATE UNIVERSITY

# Equal Employment Opportunity Plan

## March 2012

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Section

1

## Policy Statements

### Non-Discrimination Policy

It is the policy of the State of North Carolina to provide equal opportunity in employment for all qualified persons and to prohibit discrimination because of race, color, national origin, religion, creed, sex, age, disability or genetic information.

As Chancellor of North Carolina State University (NC State), I hereby reaffirm our long-standing commitment to equal opportunity. NC State University is dedicated to equality of opportunity within its community. Accordingly, the University does not practice nor condone discrimination in any form against employees or applicants on the grounds of race, color, national origin, religion, creed, sex, age, disability, veteran's status, sexual orientation, or genetic information. The University's nondiscrimination policy extends to recruitment, selection, hiring, compensation, promotion, training, and all other aspects of employment. (Note: Applicants or employees that allege discrimination based on sexual orientation are limited to the University's internal grievance processes.) The University's policy is in keeping with the Title VII of the Civil Rights Act of 1964, as amended, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967 as amended, Executive Order 11246 as amended, the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Civil Rights Act of 1991, N.C. General Statutes Section 126-12 as amended, and other applicable Federal and State Laws. NC State University supports the protection available to members of its community as provided in The Code of the University of North Carolina (Section 103). The University further ensures that all personnel actions such as compensation, benefits, performance and evaluation, promotion, transfer, reduction in force, termination, sponsored training, tuition assistance, social and recreational programs are administered without regard to race, color, national origin, religion, creed, sex, age, disability, veteran's status, sexual orientation or genetic information.

In furtherance of this policy, NC State University prohibits retaliatory action against any employee or applicant for employment who makes a charge of employment discrimination, or who testifies, assists, or participates in any manner at a hearing, proceeding or investigation of employment discrimination. NC State University will, when necessary, provide reasonable accommodations for applicants and/or employees with disabilities when doing so will enable them to successfully perform the essential functions of a job or benefit from training.

The development of the University's Equal Employment Opportunity (EEO) Plan and implementation of the various programs with regard to equal opportunity are the responsibilities of the Vice Provost for Institutional Equity and Diversity. The Vice Provost is assisted in the implementation of the plan by all administrative personnel, including supervisors and managers. The Office for Institutional Equity and Diversity and the Division of Human Resources assist in these endeavors.

The monitoring aspects of the University's EEO Plan are the responsibility of the Office for Institutional Equity and Diversity working closely with the Human Resources Division. The EEO Plan and Program are evaluated and monitored regularly. The Vice Provost for Institutional Equity and Diversity periodically reports on the progress of this evaluation to the Chancellor.

The University is fully committed to this program, and we shall make every effort to ensure the University community remains aware of these goals and obligations.



W. Randolph Woodson, Chancellor  
NC State University



Date

## Sexual Orientation Policy

Educational and employment decisions must be based on an individual's abilities and qualifications and should not be based on factors or personal characteristics that are not germane to academic abilities or job performance. Race, sex, religion, and national origin are among those factors. An individual's sexual orientation is another factor which is not relevant to educational and employment decisions. Therefore, only relevant factors are to be considered in such decisions and equitable and consistent standards of conduct and performance are to be applied at NC State University. This internal policy does not apply to the University's relationships with outside organizations, including the federal government, the military, ROTC, and private employers.

## Vietnam Era/Disabled Veterans Policy

NC State University will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or a veteran of the Vietnam era, 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 and veterans of the Vietnam era without discrimination based upon their disability or veteran's status in all employment practices including: employment, promotion, demotion, transfer, recruitment, advertising, reduction in force or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship [(41 CFR 60-250.4(a)).

**Veteran of the Vietnam Era** means any person (1) who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released with other than a dishonorable discharge, or was discharged or released from active duty for a service connected disability if any part of such duty was performed between August 5, 1964 and May 7, 1975, or served on active duty for more than 180 days and served in the Republic of Vietnam between February 28, 1961 and May 7, 1975.

**Disabled Veteran** means a person entitled to disability compensation under laws administered by the Veteran's Administration for disability rated at 30 percent or more or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

NC State University maintains a **Veterans' Affairs Office** in 1000 Harris Hall that is available to assist veterans. A Veterans' Affairs Certifying Official is specifically assigned to provide assistance.



The administration of NC State University believes that this policy meets the requirements of the Veterans Readjustment Act of 1972, as amended and 41 CFR, Part 60-250.

## **Affirmative Action for Employees with Disabilities**

NC State University will not discriminate against any employee or applicant for employment because of physical or mental disability 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 individuals with disabilities without discrimination based on their physical or mental disability in all employment practices such as the following: employment, promotion, demotion, transfer, recruitment, advertising, reduction in force or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship [41 CFR 60-741.5(a)].

For purposes of this program, the **person with a disability** is anyone who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. For purposes of this definition, **major life activity** means any mental or physical function or activity that, if impaired, creates a substantial barrier to employment.

Dissemination of this policy and University publications in which it appears is the same as for overall affirmative action policy statements. Senior administrators have the same responsibilities to ensure equal employment opportunities for disabled employees as they have for non-disabled employees.

NC State University's administration believes that this policy meets the requirements of the Rehabilitation Act of 1973 as amended and 41 CFR, Par 60-741.





**Section****2**

## **Assignments of Responsibility and Accountability**

### **Responsibility of Line Officers**

#### **Chief Executive and Administrative Officers**

The Vice Provost for Institutional Equity and Diversity, the Unit Affirmative Action Officers, and the Equal Employment Opportunity Advisory Committee are responsible for assuring the University's promotion of and compliance with equal employment opportunity initiatives. These responsibilities include the dissemination of information, recommending policy changes, defining problem areas and recommending solutions, as well as other actions. However, the achievement of the equal employment opportunity goals depends on those making the University's day-to-day employment decisions. This responsibility rests upon the chief executive officer (the Chancellor); the senior administrative officers (Provost and Executive Vice Chancellor, Vice Chancellor and General Counsel, Vice Chancellor for Finance & Business, Vice Chancellor for Student Affairs<sup>1</sup>, Vice Chancellor for Research and Graduate Studies, Vice Chancellor for University Advancement, Vice Chancellor for Information Technology, the Deans, and the Department Heads), and all other personnel of the University who have a part in appointing and promoting employees and establishing compensation.

The Associate Vice Chancellor for Human Resources is responsible for developing recruitment resources and monitoring procedures to help hiring supervisors satisfy equal employment opportunity requirements in coordination with the Office for Institutional Equity and Diversity. Deans, Directors, and Department Heads are responsible for compliance with applicable employment policies and procedures. Departments are responsible and accountable, along with Human Resources, the Office for Institutional Equity and Diversity, and University administrators, for meeting University equal employment opportunity goals.

#### **Managers and Supervisors**

Because they are making personnel decisions impacting the EEO program directly, managers and supervisors are most crucial to the program. Each manager and supervisor is responsible for implementing the specific elements of the University's equal employment opportunity plan designed

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<sup>1</sup> Effective July 2012, responsibilities held by the Vice Chancellor will be transferred to the new Vice Chancellor and Dean for Academic and Student Affairs, creating a new unit from the meager of Student Affairs and Undergraduate Academic Programs.

to eliminate the under-utilization of minorities, females, and workers with disabilities as well as barriers to equal employment opportunity which cause under-utilization.

It is expected that managers and supervisors be evaluated on their performance in achieving the University's equal employment opportunity goals. The specific responsibilities of managers and supervisors include, but are not limited to:

- making every effort to achieve established placement goals and maintaining an equitably representative work force for the department, division, or unit;
- providing information on available resources for employees such as career counseling and workshops/seminars while ensuring that all employees have the opportunity to utilize these resources;
- assisting the Equal Opportunity Officer in periodic evaluations to determine the effectiveness of the EEO program;
- creating an awareness of EEO policies among the employees; and
- aiding in preventing and correcting prohibited workplace harassment of employees.

## **Responsibility of the Equal Opportunity Officer**

The Chancellor appoints the University's Equal Opportunity Officer. NC State's Equal Opportunity Officer reports to the Provost and Executive Vice Chancellor. The Equal Opportunity Officer also carries the title of Vice Provost for Institutional Equity and Diversity. The Equal Opportunity Officer has responsibility for the EEO/AA program and is assisted by the Unit Affirmative Action Officers. The duties and responsibilities of the Equal Opportunity Officer are:

- interacting with the Chancellor, Provost, Vice Chancellors, Unit Affirmative Action Officers, Associate Vice Chancellor for Human Resources, and other administrative personnel to interpret and apply Federal and State policies, regulations and guidelines that relate to discrimination in employment on the basis of race, color, religion, creed, sex, age, national origin, sexual orientation, genetic information, and disability or veteran status;
- maintaining and analyzing work force utilization data for the development of the EEO Plan;
- developing, with the aid of the Division of Human Resources and other administrative personnel, the EEO Plan including writing and publishing policy statements, establishing goals and timetables for correcting underutilization within the University's work force, developing equal employment opportunity programs, and disseminating the program to internal and external constituents;
- monitoring and evaluating the EEO Plan, identifying areas where further action is needed, and advising management of the program's effectiveness;
- arranging training on State EEO/AA policy, other EEO/AA laws and regulations, the prevention of unlawful workplace harassment and discrimination, positive emphasis for persons with disabilities, the EEO Plan and other information related to EEO/AA for

department heads, managers and supervisors, and circulating updated EEO/AA information;

- serving as consultant for employees in matters involving EEO/AA concerns or complaints alleging discrimination;
- coordinating special programs to enhance the success of the achievement of program objectives;
- serving as a liaison with organizations representing the concerns of minorities, females, and persons with disabilities; and
- disseminating EEO/AA information throughout the University.



**Section**

**3**

## **Dissemination of the Equal Employment Opportunity Plan**

**NC** State University's Non-Discrimination Policy has been formally distributed to internal and external stakeholders. The policy has been disseminated throughout the University and will continue to be printed on several University-sponsored publications (See Table 1). These publications reach all levels of University employees.

The revised 2012 Equal Employment Opportunity Plan shall be distributed to the heads of all units. The Office for Institutional Equity and Diversity produces a poster explaining the University's Equal Employment Opportunity Program that is distributed widely throughout the University. All modifications and amplifications of the Plan shall be similarly distributed. Table 1 lists particular publications, the publication's audience, the individuals responsible for each publication, and the publication date.

### **Data Files Retained by NC State University**

The Division of Human Resources maintains personnel files for permanent employees. Files contain pertinent demographic information on employees (i.e., name, race, sex, etc.) and personnel action documents. This information is the basis for a variety of reports useful in analyzing equal employment opportunity.

**Table 1 – INTERNAL DISSEMINATION OF UNIVERSITY PUBLICATIONS**

<b>Publication</b>	<b>Responsibility</b>	<b>Time of Publication</b>
	<b>Publications Reaching All Employees</b>	
Bulletin	Chancellor’s Office / Public Affairs	Continuous
University Web Page	Human Resources/Office for Institutional Equity and Diversity	Continuous
Faculty / Non-faculty Professional / Post Doc Vacancy Posting	Associate Vice Chancellor for Human Resources	Continuous
Staff Vacancy Postings	Associate Vice Chancellor for Human Resources	Continuous

**Table 2 – EXTERNAL DISSEMINATION OF UNIVERSITY PUBLICATIONS**

<b>Publication</b>	<b>Responsibility</b>	<b>Time of Publication</b>
EEO/AA Policy Statement (included on material and advertisements for students, staff, and faculty)	Provost Associate Vice Chancellor for Human Resources Vice Provost for Institutional Equity and Diversity	Continuous
EEO Statement (included on purchase orders, contracts, etc., as required by Executive Order 11246)	Vice Chancellor for Finance and Business	Continuous
Written notification of Plan and basic content to public and private organizations interested in employment opportunities for women and minorities, community agencies, and leaders of secondary schools, colleges, and technical and business institutes	Vice Provost for Institutional Equity and Diversity	Continuous
Publicity regarding EEO progress, appointments of new personnel, promotions, etc., relating to EEO objectives in public press and in office publications distributed externally	Office for Institutional Equity and Diversity University Communications Provost’s Office	Continuous

## Composition of the NC State University Workforce

Because of the differences in staffing patterns and procedures for EPA (exempt from the State Personnel Act) and SPA (subject to the State Personnel Act) employees, the employment categories are considered in four groups:

1. Executive, Administrative, and Managerial (EPA)
  - a. SAAO, Tier 1
  - b. SAAO, Tier 2
  
2. EPA Faculty
  - a. Tenured/Tenure Track
  - b. Non-Tenure
  
3. EPA Non-Faculty (EPA Professional)
  
4. SPA Personnel
  - a. Professional
  - b. Technical
  - c. Administrative Support
  - d. Skilled Craft
  - e. Service/Maintenance





## Section

## 4

## Equal Employment Opportunity Planning

### SPA

Analysis of the availability of the work force facilitates the determination of whether underutilization of minorities and females exists in any of the EEO categories. If underutilization is determined within a job group, a goal is established.

The Two-Factor Analysis, as defined by the Office of Federal Contract Compliance Programs (OFCCP), is used to determine availability in the work force. This method involves the following steps:

- Determine availability of minorities and females in each occupational category by two established factors. The two factors are (1) the number of qualified employees from the organization's internal labor force, and (2) the number of qualified persons from the population within the determined reasonable recruitment area;
- Determine underutilization by comparing actual work force data to established availability in each occupational category;
- Determine projected hires based on the projected turnover percentage in each occupational category where underutilization exists;
- Formulate a set of objectives for the initial reduction and the proposed eventual elimination of this underutilization in each occupational category; and
- Develop procedures and programs to facilitate the likelihood of achievement of program objectives within the established time frames.

The Office for Institutional Equity and Diversity determines the availability of females and minorities by occupational group. The occupational groups used for SPA employees for affirmative action planning purposes are:

- Professional
- Technical
- Administrative Support

- Skilled Craft, and
- Service/Maintenance

Job classifications are placed into the groups by similarity of job content. Calculations of availability were determined by multiplying data for each factor by a self-assigned value as determined by organizational hiring and promotional practice. The data for each factor was collected from a variety of sources:

- 2000 Census of Population and Housing
- Employment Security Commission Data
- EEO Detailed Occupations of Civilian Labor Force by Sex & Race for Wake, Durham, Johnston, Chatham, Orange Counties
- Internal employee data

## EPA

### Faculty Availability

For academic positions, the labor market is considered nationally. The source for availability estimates for most faculty positions is the National Science Foundation's 2007 *Survey of Earned Doctorates*. The *Survey of Earned Doctorates* is an effort to collect data continuously on the number and characteristics of individuals receiving doctoral degrees from all accredited U.S. institutions. The results of this annual survey are used to assess characteristics and trends in doctorate education and degrees.

Disciplines in which Ph.D.'s are reported are matched with NC State University's academic departments. For departments that include more than one discipline, e.g., departments such as Marine, Earth and Atmospheric Science, the total degrees from all appropriate disciplines are used in calculating the weighted percentages of degrees awarded to minorities and women.

For many disciplines in the College of Design, the master's level is a terminal degree. Their availability is not calculated from doctoral recipients, but from the sources identified and cited by these particular departments.

### Availability for Other Employees

In non-academic positions, the labor market for occupational areas varies according to the area in which the University recruits and secures employees. Individuals who are classified as administrators and professional staff in IPEDS categories one (1: Administrators) and three (3: Other Professionals) are usually recruited nationally or regionally. Availability estimates for employees in IPEDS category one (1) in administrative units are based on 2000 U.S. Census data and/or the National Science Foundation's *Survey of Earned Doctorates* (2007).

Academic administrators generally have academic preparation similar to the faculty in their unit. Therefore, availability estimates for these units are equal to the College Total calculated in the Faculty Utilization and Goals reports. Availability estimates for IPEDS category three (3) employees are based on statewide/national work force data for professionals.



# Section 5

## Equal Employment Opportunity Program

### Recruitment

#### SPA

Human Resources has administrative responsibility for overseeing the processes for recruitment and employment. Additionally for SPA employees, Human Resources oversees transfer, promotion, reassignment, and demotion actions. In cooperation with the campus, Human Resources has developed and implemented sufficient control to ensure that personnel actions are consistent with the equal employment opportunity policy and affirmative action commitments. Human Resources reviews and endorses hiring actions for SPA employees.

#### Advertising

To ensure compliance with state and federal laws, Employment Services approves and coordinates the placement of advertisements and the screening of respondents.

Employment Services coordinates advertisement copy, publications, and publication dates with the hiring department. Media sources include newspapers, occupation specific publications, professional journals, professional association newsletters, and Internet sites.

#### Recruitment Activities

Recruitment for staff positions includes, but is not limited to, the following activities:

- contacts with minority and women's colleges and universities;
- technical school and community college recruitment visits;
- regular contacts with community organizations supporting minorities, women and persons with disabilities;
- sharing of job opening announcements with the Office of State Personnel and the State Employment Security Commission;
- sharing of job openings through professional networks and associations;
- having posting of job openings available in Human Resources;
- posting of positions on the Internet to include <https://jobs.ncsu.edu>, <http://www.monster.com> and other sites as relevant.

## Search/Nominating Committee Requirements

To ensure the most suitable candidates are selected to fill administrative positions, external searches are required for all positions filled at the director level and above. Search/nominating committees should be fully representative of the constituencies to be served.

Search/nominating committees assist in implementing equal employment opportunity policies and goals and ensure broad support for whichever candidate is selected.

## Listing Vacant Positions

Departments create and submit an online vacancy notice to Employment Services to recruit for a vacancy. Upon receiving the notice, an Employment Specialist posts the vacancy and consults with the hiring official on recruitment, screening, and selection activities. Vacancies must remain open at least five workdays after being posted.

Vacancies are posted online on a daily basis.

Some vacancies are initially available only to current NCSU SPA employees and are posted as "Internal Transfers Only".

## Waiver of SPA Job Posting

A waiver of posting may be requested only

- to avoid a reduction-in-force,
- to effect a disciplinary transfer or demotion,
- to fill a position required by a legally binding settlement agreement,
- to transfer an employee to avoid the threat of bodily harm,
- to prevent a critical work stoppage or to protect public health, safety, or security,
- to fill a critical position due to the widespread outbreak of a communicable disease, or
- to fill a position as a result of a re-deployment arrangement.

A **Request to Waive Posting** must include written justification and receive approval from the Director of Employment Services.

## Application Process

Individuals interested in permanent University employment must complete an online Staff Application. Departments may not accept employment applications or resumes other than those referred by Employment Services.



## **Screening and Referral**

Applicants are considered for only those specific vacancies for which they explicitly apply. Applicants are screened based on their education, experience, skills, and competencies as they relate to job requirements and preferences.

## **Special Employment Considerations**

### **Priority Re-employment**

The State of North Carolina requires that certain individuals receive priority consideration for State employment. If priority re-employment referrals are involved, they are considered before external applicants are referred. Two categories of employees are eligible for priority re-employment.

- Employees scheduled for or already reduced-in-force,
- Employees separated from policy making/confidential exempt positions for reasons other than just cause.

### **State Government Promotional Priority**

Permanent State employees are eligible for priority consideration over non-State employee applicants when the individuals possess substantially equal qualifications.

### **Veterans' Preference**

Departments must give preference in employment and subsequent personnel actions to veterans' preference eligible candidates. This applies to all United States citizens who served the United States honorably in the Army, Navy, Marine Corps, Nurses' Corps, Air Corps, Air Force or any of the armed services during periods of war, certain disabled veterans and their spouses, and certain surviving spouses and dependents of veterans.

### **Disabled On-the-Job Priority Re-employment**

When their treating physician releases employees (who have been injured on the job and placed on workers' compensation leave) to work, there are several possible return-to-work situations. Re-employment is primarily based on the amount of the employee's medical improvement. If priority re-employment referrals are involved, the Employment Specialist advises the hiring department of their responsibilities.

### **Age Limitations**

The University does not practice or condone age discrimination. Limitations are enforced only where specific age constitutes a bona fide occupational qualification. There is no maximum age for employment.

Job specifications for individuals under age 18 are reviewed to ensure compliance with legal limits on the employment of minors.

Law enforcement officers must be at least 20 years of age.

### **Employment Eligibility Verification**

Departments are required to verify identity and eligibility for employment of new employees. On or before the first day of work, new employees must complete Section 1 of the I-9

Form. Within three (3) days of hire, hiring departments must review documentation and provide certification to Human Resources via the I-9 Form and the E-Verify process.

#### **Employment of Persons with Disabilities**

The University encourages employment of persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of a particular job.

#### **Persons Convicted of Criminal Offense**

The University conducts background checks on new hires as well as current employees who change jobs or otherwise become subject to a background check per University Regulation 05.55.8.

A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the University. Candidate eligibility depends on a variety of factors, such as the nature of, and circumstances surrounding, any crime(s); the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the crime(s), including the individual's subsequent work history; the truthfulness and completeness of the candidate's disclosure of the conviction(s), and other relevant information.

#### **Testing**

No pre-employment work assessments (written, oral, physical, or skills) may be administered by the hiring department without prior endorsement from Employment Services.

#### **Selection**

The goal of the selection process is to find the best available person for the job—a person with the skills, knowledge, abilities, and competencies to successfully fill the position. Hiring departments determine which applicants will be interviewed. The hiring department maintains summaries of interviews in accordance with University records retention guidelines. Interview guidelines and workshops for managers are provided by Human Resources to facilitate proper interviewing procedures.

When interviewing has been completed and a preferred candidate identified, the department submits an online Offer Approval Request to their Unit Affirmative Action Officer. If approved, the Officer forwards the request to Employment Services. An Employment Specialist reviews each request to assure that departments are in compliance with established recruitment and selection policies.

Human Resources exercises similar centralized responsibilities with respect to salaries for new hires, reinstatements, and transfers. Human Resources follows established State of North Carolina pay policies and procedures for SPA positions.

#### **Job Design and Job Classification**

NC State University is committed to maintaining campus-wide parity in the classification of positions subject to the State Personnel Act (SPA). The North Carolina Office of State Personnel (OSP) establishes and maintains the Career Banding Classification System, that includes: the career band job titles, career bands, and the associated pay ranges for SPA



positions. Therefore, OSP exercises overall administrative authority of the system. Administration of the job classification and pay system is the responsibility of the Human Resources, specifically the Classification and Compensation Department. The Classification and Compensation Department, administers Career Banding, a classification and pay system that is competency and market-based. Although the administration is the responsibility of Human Resources, supervisors and managers in campus departments are responsible for designing positions based on the operational and business needs of their organizations. This responsibility includes determining the initial assignment of duties and responsibilities to a position, identifying the necessary competencies for performing the job, and determining the need for any changes in a job and/or its duties.

OSP policy requires that supervisors prepare and submit to Human Resources a Career Banding Job Description to establish each new position and/or to document changes in job duties for any existing position(s). Human Resources reviews the job description and consults with department representatives, employees, and supervisors as appropriate, for clarification of responsibilities and competencies. Human Resources classifies the position by assigning it to the appropriate career band and corresponding pay range based on the job duties, required competencies, and a comparison to the applicable career banding job competency profile. Electronic Position history files are maintained for each position. Under a Delegated Authority Agreement with the Office of State Personnel (OSP), Human Resources administers all career banding classification and pay decisions and resultant actions.

When the supervisor or departmental management significantly changes the job duties in a position or the employee demonstrates increased or new relevant competencies, the supervisor is responsible for revising the job description and/or submitting a request to Human Resources to determine if there is justification for a career band or competency level change that results in a subsequent salary adjustment. Thus, the supervisors have the fundamental responsibility for maintaining accurate job description information with respect to the job duties and demonstrated competencies in each position.

In addition, Human Resources is responsible for reviewing and endorsing any salary adjustments/increases awarded to SPA employees. Using the same process as above, supervisors submit requests for Human Resources to consider an adjustment on the basis of labor market conditions or for retention purposes.

In its efforts to facilitate parity among SPA employees, monitoring and reporting requirements have been established by Human Resources and OSP for classification and pay actions.

## Employee Training and Development

NC State University recognizes the changing training and professional development needs of employees and is committed to providing opportunities to enhance skills, expand levels of knowledge, and explore career paths. Supervisors are expected to encourage employees to take advantage of training and educational opportunities and to be active in helping employees to select courses that will enhance their knowledge, skills, and abilities.

NC State University's training and development programs are designed to:

- Assist departments in retaining and motivating employees;

- Identify and address University, departmental, work team, and individual development opportunities for NC State faculty and staff through Training & Organizational Development ([www.ncsu.edu/hr/tod](http://www.ncsu.edu/hr/tod));
- Provide employees with skills to meet the continuously changing technological demands;
- Enhance professional development and further employee career goals;
- Provide management with the knowledge, principles, and skills to ensure effective, safe and productive work environments for their employees and departments; and
- Provide information to the campus through orientation programs and training/informational materials.

All educational and training programs sponsored by the University are open to eligible employees without regard to race, color, sex, religion, creed, age, disability, national origin, veteran status, sexual orientation or genetic information.

EEO/AA courses are offered to all supervisors, Unit AA Officers and other officials involved with the employment process.

Listed below is a brief description of some of the programs offered.

- **RAMP – RESEARCH ADMINISTRATION MANAGEMENT PROGRAM** – A five-day training program comprised of four modules that provide an overview of research administration at NC State. The goal of the training program is to train staff, faculty and leadership in the art of managing externally sponsored research and scholarly endeavors.
- **PROFESSIONAL DEVELOPMENT OPPORTUNITIES** – Provided through open enrollment offerings, certificate programs, and customized training sessions designed to develop new skills and abilities, foster career growth and help individuals be more effective personally and professionally.
- **PATHWAYS LEADERSHIP PROGRAM** – Designed for supervisory and non-supervisory employees, the Pathways Leadership Development Program is a 10-month long program that links leadership development and NC State University business needs. The Pathways Leadership Program consists of courses that align with the leadership development principles of Kouzes and Posner's, *The Leadership Challenge*. Participants complete 360 degree assessments, establish goals with program coaches, development projects with supervisors and classmates, and participate in courses surrounding career development, diversity, team work, organizational change and other leadership principles.
- **PERFORMANCE LEADERSHIP** – Designed for managers and project leaders, this program emphasizes skills they need to effectively do their jobs. “Hard” skills such as industry knowledge help managers get their work done. However, it is the “soft” or interpersonal skills enable managers to build, develop, and lead employees



and teams to perform effectively and include skills such as communication, giving and receiving feedback, team building, coaching, and others. The program consists of a pre- and post-360 degree assessment as well as the assignment of a personal coach.

- **HR ACADEMY** – This program is designed for managers and non-managers to showcase the human resource (HR) functions of the University including policies, procedures, compliance aspects of managing employees, and more. HR Academy offers eleven (11) core courses surrounding HR issues such as Wage Administration, Benefits, Employee Relations and Classification and Compensation to name a few. Participants are able to take an additional twenty (20) hours of electives such as Behavioral Based Interviewing, Workplace Violence Prevention, Introduction to Supervision, Coaching, Processing Pay in Time and Labor, and many more.
- **QUICKSTART BUSINESS PRACTICES PROGRAM** – QuickStart is a University Business Practices Certificate Program that covers the basic business practices and processes of NC State University. QuickStart provides an overview of NC State University business practices, basic software and computer system use for conducting basic administrative functions, professional development resources, and introduces employees to the policies and procedures of NC State University. The program provides participant access to University Subject Matter Experts (SMEs) and resources, and builds a network of peers for follow-up contacts.
- **EDUCATIONAL ASSISTANCE PROGRAM** – The State of North Carolina’s Educational Assistance Program allows the University to reimburse permanent employees (full-time and part-time) for academic costs and lab fees associated with successful completion of job-related courses. This program applies to classes taken at accredited high schools, community colleges, business schools, or other educational sources approved by the Division of Human Resources. Employees may be reimbursed for one course per semester, quarter, or summer session. The employee’s department or unit approves courses and makes reimbursement.
- **TUITION WAIVER PROGRAM** – Employees can waive tuition and fees for up to two (2) courses per academic year. Employees can use multiple waivers in the Fall and Spring semester, however, they can waive only one class in the summer. Employees seeking to enroll using a tuition waiver must be approved by their supervisors and academically eligible for admission and will be admitted to the course on a space available basis. More information can be found at ([http://www7.acs.ncsu.edu/cashier/faculty/waiver\\_info.asp](http://www7.acs.ncsu.edu/cashier/faculty/waiver_info.asp)).

## EPA Appointment, Promotion, and Salary-Setting Criteria

### Faculty

NC State University has approximately 65 academic departments across its ten Colleges and one administrative unit (Student Affairs<sup>2</sup>) that initiate faculty appointments, promotions and

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<sup>2</sup> Effective July 2012, responsibilities held by the Vice Chancellor will be transferred to the new Vice Chancellor and Dean for Academic and Student Affairs, creating a new unit from the merger of Student Affairs and Undergraduate Academic Programs.



salary recommendations. The Provost reviews the recommendations that initiate tenured/tenure track faculty appointments prior to final approval by the Board of Trustees.

Criteria for appointment, promotion, salary level, and the nature of the appointee's responsibilities vary among the departments as do the education, skills and experience required for faculty appointments. Competitive demand for persons in various academic fields also influences criteria and decision procedures. Many units have common factors among the criteria. Depending on the mission of the department, however, components of the criteria may be weighted differently. (For instance, the Department of Entomology would emphasize research and/or extension while the Department of History would emphasize undergraduate teaching since it does not have a doctoral-level graduate program.)

Criteria for each rank, as well as University policy on academic freedom and tenure, leave and other benefits, are explained in the University Policies, Rules and Regulations (PRRs) at <http://www.ncsu.edu/policies/homepage.php>. Evaluation for promotion and salary increases is based on subjective evaluation of individual merit related to the stated criteria as deemed significant by the department and college. The primary evaluation occurs at the departmental level with reviews by the College Dean and Provost.

Factors vary with the discipline and level of appointment. Human Resources conducts a national survey of comparable institutions and establishes salary ranges for each discipline. Salary increases that exceed the established salary range or result in a salary that is at least 15% and at least \$10,000 above the previous June 30<sup>th</sup> salary are approved by the Board of Trustees and the Board of Governors.

As an illustration of the complexity of decisions on initial faculty employment and promotion, the following outline shows the major factors NC State University identifies in making the decision. The department head is responsible for the initial recommendation for appointment. Depending upon the organization of the department, the department head may consult as follows:

1. Instructor:
  - a. search committee
  - b. the entire department
  - c. the departmental voting faculty
2. Assistant Professor
  - a. an elected or appointed search committee
  - b. the entire department
  - c. the departmental voting faculty
3. Associate Professor
  - a. an elected or appointed search committee
  - b. the entire department
  - c. the departmental voting faculty

4. Professor
  - a. search committee, perhaps with members from other departments
  - b. the departmental voting faculty

The approval of the College Dean, the Unit Affirmative Action Officer, and the University Affirmative Action Officer is required prior to an offer being made for all EPA appointments. The Chancellor and/or the Board of Trustees must approve appointments for tenured faculty and the Dean approves appointments for tenure track faculty.

The department head with the approval of the Dean and the Provost determines rank. Normally, the probable rank of a position is determined before the search is begun, *i.e.*, a department decides it will fill an associate professorship in a particular specialty and then begins to consider individuals. The following factors may be considered in making a specific offer to include but are not limited to:

- the needs of the department in areas of scholarly competence and interest;
- evidence of ability and interest in teaching;
- evidence of potential contributions to scholarship and research;
- experience;
- market conditions for discipline specialty;
- established ranges;
- salaries in the department;
- quality of educational background-source of highest degree and sponsor or director of dissertation;
- recommendations;
- publications, quality of publications counted;
- evidence of ability to participate in joint research projects;
- evidence of interest in and ability for public service and extension activities;
- compatibility with other members of the department.

Previous salary data analyses conducted in 2001, 2004 and 2007 revealed faculty salary inequities based upon race and gender. A salary equity study conducted by University Planning & Analysis (at the direction of the Provost's Office) every three years helps to identify potential problem situations and bring them to the attention of the deans and department heads for special consideration. Where apparent differentials exist, these administrators then must justify them on the basis of performance or appropriate adjustments are made. Criteria that may be used include the following:

- teaching performance;
- research contributions;
- service to department, College and University
- service to community, State and Nation;
- receipt of other offers;
- market conditions for a particular field;
- history of past increases;
- general overall performance;
- interpersonal relationships; and
- the need to redress imbalances.

Workload for faculty has a wide variance: up to 15 credit hours of undergraduate teaching per semester. Wide variations from this norm allow for advanced graduate courses, variations in class size, number of different classes taught, research assignments, and the performance of other academic duties as departmental obligations permit or require. In essence, workload is adjusted on an individual basis, and there does not appear to be any evidence of discrimination on the basis of race or gender in this manner at NC State University.

## **EPA Non – Faculty**

The College Dean, the Department Head/Chair, the Unit Affirmative Action Officer, and the University Affirmative Action Officer approve the salaries for new EPA Non-Faculty hires in consultation with HR's EPA Administration, using general ranges of pay that have been established to guide such appointments. Appointing and setting the salaries of EPA Non-Faculty personnel involves many of the same considerations as those applied to members of the faculty. Factors of internal equity, discipline, experience, and market conditions are considered when making salary decisions. In general, and with the variations necessary for the accommodation of a wide range of positions, the criteria previously stated for faculty appointments and salary decisions are applicable to EPA Non-Faculty personnel.

## **Performance Management**

### **SPA**

The management of the appraisal of employee performance are based on a process of work planning and performance review.

The SPA Employee Performance Appraisal procedure (REG 05.50.04) is designed to:

- Develop a mutual understanding of performance expectations by both the employee and supervisor;



- Establish equitable performance guidelines for appraising employee performance;
- Foster improved performance through increased communication;
- Document employee performance for reference in making personnel management decisions; Clarify how an employee's work assignment relates to the goals of the work unit, department, and University; and
- Provide opportunities for employee development.

Each employee receives a work plan listing job expectations on the SPA Work Plan and Performance Appraisal Form within thirty (30) days of the date of hire and at the beginning of the work cycle every year thereafter. During the middle of the work cycle every supervisor will conduct an interim review. The actual performance appraisal is conducted at the end of each work cycle and the results are documented on the SPA Work Plan and Performance Appraisal Form as well.

Employees have the right to a hearing to review and resolve disputes concerning performance ratings and/or performance pay decisions including some career banding decisions. Performance disputes must be resolved by utilizing the SPA Employee Performance Pay Dispute Resolution procedure (REG 05.25.01).

### **EPA**

NC State University requires that EPA employees receive an annual review. In addition, peer reviews are to be conducted of those instructors of record who teach (Evaluation of Teaching – REG 05.20.10). Faculty members, notably assistant and associate professors, should receive a written evaluation of their activities and performance for the academic year. Faculty complete an annual activity report and statement of mutual expectations. The statement of mutual expectations is used as a base for assessing performance.

## **Grievance Procedures**

### **SPA**

The University administration retains authority, as provided by law, to manage and direct its human resources. This includes the determination of work force size, work assignments, hours of employment, promotion, demotion, transfer, or dismissal. Simultaneously, the University is committed to fair and equitable treatment of all employees. Therefore, the University has established the SPA Grievance and Appeal procedure (REG 05.25.02) for the fair, orderly, and prompt resolution of disputes that may arise between an employee and anyone who is in a position of authority. This procedure is to be utilized for the resolution of job-related complaints and grievances.

All permanent SPA employees are eligible to use the grievance and appeal procedure. Probationary employees are eligible if alleging discrimination on the basis of race, color, sex, religion, creed, age, national origin, political affiliation, genetic information, or disability or if alleging the presence of misleading or inaccurate information in their personnel file.

An employee may utilize this procedure to appeal an action alleging:

- a violation or misapplication of University policies;
- a violation or misapplication of rules pertaining to employment in the respective unit;
- a violation or misapplication of applicable laws or regulations, including anti-discrimination laws, the American with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA);
- a suspension without pay, demotion, or dismissal;
- inaccurate or misleading information in a personnel file; or
- unlawful workplace harassment, discrimination or retaliation.

Employees, whether grievant, witness, or panel member, shall have the right to participate in this procedure free from interference, coercion, restraint, discrimination, retaliation, or reprisal.

### **EPA**

The purpose of the Review and Appeal Processes for EPA Non-Faculty Employees (EPA Professionals and Tier II Senior Academic and Administrative Officers) procedure is to provide an internal university process for the good faith resolution of employment concerns. North Carolina Cooperative Extension employees employed in county operations are excluded from this procedure and are governed by North Carolina Cooperative Extension Grievance Procedures for County Operations Employees.

Covered employees may also seek to resolve their employment concerns and other disputes in accordance with the University Mediation Policy and Procedure. Mediation seeks to achieve a mutually agreeable settlement of differences; it differs from the Review and Appeals Processes in that it does not impose a decision on the parties. Mediation can be undertaken anytime the parties wish, regardless of the status of a grievance hearing or legal actions.

A Review Panel has no power to reverse an administrative decision, but can only recommend a reassessment of that decision if it finds that the decision was reached improperly.

The Review and Appeal Processes grievance cannot be used for concerns over general organizational issues or actions that are not reviewable through the Review hearing process, but consideration may be requested through departmental and college/divisional channels. This includes but is not limited to issues such as job title or job category assignment; assigned rates or ranges of pay; organizational changes, such as departmental reorganization or reallocation of resources; performance evaluations; work schedules or flex schedule decisions; position elimination; salary determination; workplace disagreements among work colleagues; separation due to the unavailability of contingent funding that was stipulated at the time of appointment; the decision to end an at-will appointment; or failure to issue a subsequent fixed-term contract.



Additional information can be found at the following web site: <http://policies.ncsu.edu/policy/pol-05-25-03>.

## Disciplinary Process

The University administers an SPA Successive Discipline procedure (REG 05.70.01) for SPA employees by which discipline is administered only for just cause and apportioned to the degree of severity and frequency of unacceptable employee performance or conduct. All disciplinary actions are to be administered consistently and equitably without regard to race, color, sex, religion, creed, age, political affiliation, national origin, disability, genetic information or sexual orientation. All disciplinary actions are subject to the approval of the Dean/Department Head and the Associate Vice Chancellor for Human Resources who has delegated this to the Director, Employee Relations.

This policy provides employees and management with a process for correcting and improving performance problems and handling instances of unacceptable personal conduct or grossly inefficient job performance.

Any employee of the University may be warned in writing, demoted, suspended or dismissed for just cause. However, SPA employees must receive successive discipline as prescribed in this policy. Unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline up to and including dismissal. When just cause exists, the only disciplinary actions provided under this policy are:

written warning;

disciplinary suspension without pay;

demotion; or

dismissal.

## Transfer and Separation

### Transfer

To promote employee career mobility, the University encourages departments to consider internal employees for vacant SPA positions. Employees who have been in their current departments at least six months and have achieved permanent status are eligible for transfer to other departments. Transfers within the same department may occur at any time. Transfer candidates must apply for specific vacancies.

Employment Services provides the following transfer assistance:

- availability of job openings and necessary procedures for pursuing specific vacancies;
- application and resume completion assistance;
- information on University and community training opportunities.

## Separation

The University requests written notice of resignation at least two (2) weeks in advance of the anticipated separation for SPA employees and thirty (30) days in advance for non-faculty EPA Professional employees. The employee's day of separation is the last day of work. An employee may be separated from NC State University for the following:

1. Voluntary Resignation
2. Voluntary Resignation without Notice

When an SPA employee fails to report to work for a period of at least three (3) consecutive workdays without giving verbal or written notice to their supervisor, that employee voluntarily terminates employment.

3. Dismissal

An involuntary separation occurs in accordance with the provision of the SPA Successive Discipline procedure (REG 05.70.01).

4. Separation Due to Unavailability When Leave is Exhausted

An employee may be separated from the University if he/she becomes or remains unavailable for work after all applicable leave credits and benefits have been exhausted and management, for sufficient reasons, does not grant leave without pay.

5. Death

Employment within an EPA position that is established by the letter of appointment to be employment "at will" is subject to discontinuation at any time at the discretion of the chancellor or chancellor's designee; provided that such a discontinuation (as distinguished from discharge for cause, Section 3.4) shall be subject to advance timely notice of discontinuation, as follows: 1) during the first year of service, not less than 30 days notice prior to discontinuation of employment; 2) during the second and all subsequent years of continuous service, not less than 90 days notice prior to discontinuation of employment.

Employment within an EPA position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be renewed or extended at the option of the employer, by a new appointment as required by Section 2. If the employer intends not to renew or extend the term contract: 1) with respect to an appointment of one year or less, no notice of intent not to renew shall be required; the letter of appointment is considered to be adequate notice of the expiration of the term; 2) with respect to an appointment of more than one year, notice of intent not to renew shall be transmitted in writing at least 90 days prior to the expiration date of the term. Failure to provide 90 days written notice shall result in the automatic extension of employment for a period that would equal the 90-day notice requirement.

Any employee occupying an EPA position may be discharged for stated cause. Discharge for cause is to be distinguished from discontinuation of appointment with notice (Section 3.1), expiration of a fixed-term appointment (Section 3.2) and termination of employment because of financial exigency or program curtailment or elimination (Section 3.3). Stated causes for discharge shall include, but

not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to Section 4 of this policy. When an employee occupying an EPA position has been notified of the intention to discharge the employee for cause, the chancellor may suspend the employee's employment at any time and continue the suspension until the chancellor has reached a final decision concerning discharge. The power to suspend shall be invoked only in exceptional circumstances and such suspension shall be with full pay.

The University's Exit Interview Program is designed to elicit information for preserving and promoting positive work environments. The exit interview and the exit questionnaire provide management with a separating employee's perspective of activities within the University and the employee's department. Employees separating from the University are requested to complete an exit questionnaire and/or attend a interview. Interviews with SPA and non-faculty EPA employees are conducted by Human Resources. The employee, the employee's supervisor, or the departmental personnel representative schedules the exit interview. The exit interview and the exit questionnaire provide the separating employee an opportunity to recommend changes that might enhance and improve the University's working environment.

## Compensation and Benefits

SPA positions with similar duties and responsibilities and competencies are assigned to the same career band and corresponding pay range. Employees' salaries are based on the applicant's relevant training and experience, competencies, labor-market considerations, internal salary equity needs, and the availability of funds.

The following benefits are provided to permanent, full-time employees:

- **Leave**
  - annual leave
  - civil leave
  - military leave
  - family illness leave
  - family medical leave
  - sick leave
  - shared leave
  - educational leave
  - community service leave
- **Comprehensive Major Medical Plan**
- **Contributory Retirement System**
  - Teachers' and State Employees' Retirement System (TSERS)
  - Optional Retirement Plans
- **Employee Tuition Waiver**
- **Death Benefit (TSERS) and Disability Insurance**
- **Optional Insurance Plans**



dental insurance  
life insurance  
disability income insurance  
accident insurance  
homeowners' insurance  
personal liability insurance  
automobile insurance

- **Optional Pre-paid Legal Services**
- **Disability Income Plan of NC**
- **Long-term Care**
- **Supplemental Retirement**

**Note:**

Nine-month faculty do not earn leave. They do receive maternity, medical, and parental leave as defined by University policy located at the following URL: <http://policies.ncsu.edu/policy/pol-05-30-01>.

## Monitoring Procedures

Areas of employment are monitored for equal employment opportunity. Reports are generated regarding the number of applicants, hires, promotions, transfers, and separations in each job group. Analyses are performed to determine whether women or minorities have been adversely impacted in any of these areas. If warranted, appropriate corrective action is determined.

### SPA

All positions that have been designated for affirmative action based on underutilization are monitored throughout the employment process. Hiring officials are contacted by Employment Specialists to relay information regarding targeting of the position, recruitment strategies, and other related policies and processes. Hiring officials who recruit for targeted positions must submit hiring explanations when the selection is not a member of the underutilized group.

### EPA

The Office for Institutional Equity and Diversity monitors the EPA hiring process for equal opportunity compliance. At each stage of the hiring process, search activities are reviewed to ensure that the applicant pools are inclusive of persons from under represented groups. The Unit Affirmative Action (AA) Officers assist the Office for Institutional Equity and Diversity in its monitoring process. The responsibilities of the Unit AA Officers are to:

- Review and approve unit paperwork with particular attention paid to timelines of forms submitted and adequacy of explanations and justifications in recruitment reports;
- Advise search committees;

- Provide information on candidate availability for the unit’s disciplines and on conferences and publications for recruitment and advertisement; and
- Advocate for the unit with sensitivity to the unit’s needs in regard to new personnel, upcoming searches, and best means for the unit to achieve its hiring goals.

## Equal Employment Opportunity Reports

There are several analyses that are used to monitor activity in other employment actions. An analysis is prepared on performance appraisals and exit interviews on an annual basis. These analyses are prepared considering the race and sex of each demographic group. Analyses are also performed to identify salary inequities among employees in similar job groups.

**TABLE 3: EEO REPORTS**

TYPE OF REPORT	FREQUENCY RATE	PERSON RESPONSIBLE
Applicant Flow	Annual (SPA) Continuous (EPA)	Associate Vice Chancellor for Human Resources Vice Provost for Institutional Equity and Diversity
Hires, Promotions, and Transfers	Annual (SPA) Annual (EPA)	Associate Vice Chancellor for Human Resources Vice Provost for Institutional Equity and Diversity
Separations	Annual (SPA) Annual (EPA)	Associate Vice Chancellor for Human Resources Vice Provost for Institutional Equity and Diversity
Impact Analyses	Bi-Annual (SPA) Continuous (EPA)	Vice Provost for Institutional Equity and Diversity
Performance Appraisals	Annual (SPA) Annual (EPA)	Associate Vice Chancellor for Human Resources Vice Provost for Institutional Equity and Diversity
Exit Interviews	Annual (SPA & non-faculty EPA employees) Annual (EPA Faculty)	Associate Vice Chancellor for Human Resources Vice Provost for Institutional Equity and Diversity
Salary	Continuous	Associate Vice Chancellor for Human Resources



Section  
6

## Unlawful Workplace Harassment Prevention Plan

### Policy Statement

The Unlawful Workplace Harassment Policy for North Carolina State University was established February 1, 1999. In 2009, the Unlawful Workplace Harassment Policy merged with related equal opportunity policies and regulations, now entitled “Equal Opportunity and Non-Discrimination Policy.”

The policy of North Carolina State University is that no employee may engage unlawful workplace harassment as defined below. All current and former state employees, outside vendors and contractors are guaranteed the right to work in an environment at North Carolina State University that is free from unlawful workplace harassment and retaliation.

### Definitions

**Unlawful workplace harassment** is unwelcome conduct based upon race, color, national origin, religion, creed, sex, age, sexual orientation, veteran status, genetic information, or disability as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

**Hostile work environment** is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile and abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee’s work performance.

**Quid Pro Quo** harassment consists of unwelcome advances, requests for favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or (2) submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual.

**Retaliation** is conduct or adverse action causing any interference, coercion, restraint, or reprisal against a person complaining of harassment or participating in the resolution of a complaint of harassment.

### Coverage

Former SPA employees and full-time or part-time SPA employees with either a permanent, probationary, trainee, time-limited, or temporary appointment who feel they have been unlawfully harassed in the workplace are covered by this policy.

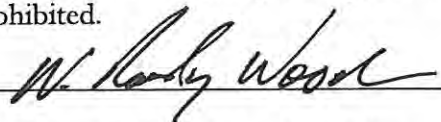
### Procedures

1. Covered persons wishing to file under this policy must submit a written complaint on the SPA Employee Grievance Form to the Division of Human Resources within 30 calendar days of the alleged harassing action.
2. North Carolina State University must respond with appropriate remedial action within 60 calendar days from receipt of the written complaint. North Carolina State University shall provide written notification of the University's response to the grievant.
3. If not satisfied with the University's response, the grievant may appeal directly to the Office of Administrative Hearings within 30 calendar days of the University's response, or within 30 calendar days following receipt or attempted delivery by overnight or certified mail of the University's final written decision. If the University's response is issued prior to the close of the 60-day calendar response period, the University shall waive its remaining 60 days in writing, and the grievant will be asked to acknowledge this waiver in writing at the end of the 60-day calendar response period if no written response is issued by this time.

Note:

1. Grievants maintain the right to file a simultaneous complaint under Title VII of the Civil Rights Act with the Equal Employment Opportunity Commission (EEOC).
2. Former and current employees must proceed through the University's Unlawful Workplace Harassment grievance procedures prior to appealing to the Office of Administrative Hearings.
3. Applicants, while not covered under the State statute (SB78), are covered under State and Federal Civil Rights Acts.
4. An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on race, color, national origin, religion, creed, sex, age, political affiliation or disability as defined by G.S. 168A-3, or a grievance based of retaliation for opposition to alleged discrimination may appeal directly to the Office of Administrative Hearings.

In allegations of unlawful workplace harassment, a prompt and impartial investigation will be made of all complaints. The totality of the circumstances and presented facts will be reviewed to determine whether the alleged conduct constitutes unlawful workplace harassment. Interference, coercion, restraint or reprisal against any person complaining of unlawful workplace harassment is prohibited.



W. Randolph Woodson, Chancellor  
NC State University



Date



## Prevention Plan

### Objectives

The following objectives have been established for unlawful workplace harassment prevention. All objectives are on-going with periodic review.

- Provide education and training to current and new employees regarding unlawful workplace harassment.
- Provide procedures for confidential reporting of complaints and inquiries.
- Provide procedures for consistent and accurate documentation of complaints and inquiries.
- Provide procedures for consistent and confidential informal and formal resolution of complaints.
- Disseminate unlawful workplace harassment policy and points-of-entry information in publications.

### Responsibility for Implementation

**University Equal Opportunity Officer:** North Carolina State University created the position of Harassment Prevention Officer in May 1993; today, this position has been to the Assistant Vice Provost for Equal Opportunity. This position has been delegated responsibility by the Vice Provost for Institutional Equity and Diversity (University Equal Opportunity Officer) for implementation of policy on unlawful harassment, including prevention and resolution efforts.

**Administrators and Supervisors:** The role of all supervisors is to create and maintain a harassment-free work and academic environment for all members of the campus community. Administrators and supervisors are responsible for responding promptly and adequately to complaints of harassment and knowing where to obtain assistance for resolving concerns.

**Employees:** The role of all employees is to create and maintain a harassment-free work and academic environment for all members of the campus community. All employees have the responsibility of understanding and complying with the harassment policy, and knowing where to obtain assistance for resolving concerns.

### Training for Employees

In June 2007, NC State passed a regulation entitled "Discrimination and Harassment Prevention and Response Training," requiring all employees within the University to participate in a training program on preventing and addressing harassment. In addition, supervisors are required to attend a second training session on supervisory responsibilities when it comes to addressing harassment complaints. Training for university employees is provided by the Office for Institutional Equity and Diversity via New Employee Orientation, open-enrollment sessions, Human Resources' leadership programs (HR Academy, Performance Leadership, and Pathways), classes offered through the Equal Opportunity Institute (EOI), and as requested by specific units. Training is also available to all employees in an electronic format via the Online Discrimination and Harassment Prevention and Response Training module (<http://www.ncsu.edu/oeo-training/harassment>).

### Training for administrators, supervisors, and employees

- Preventing Harassment on Campus: It's Everyone's Responsibility
- Unlawful Workplace Harassment: What Supervisors Should Know
- Unlawful Workplace Harassment: What Employees Should Know
- Equal Employment Opportunity Institute (EEOI): What Managers and Supervisors Should Know about Federal and State EEO Laws

### Counseling

Crisis intervention and referral counseling is available through the University's employee assistance program.

## Policies and Procedures

### 1. POLICY

The policy of North Carolina State University is that no employee may engage in conduct that is defined as unlawful workplace harassment as indicated below. All employees and outside vendors and contractors are guaranteed the right to work in an environment at North Carolina State University that is free from unlawful workplace harassment and retaliation. Any interference, coercion, restraint or reprisal against any person complaining of unlawful workplace harassment is prohibited.

### 2. DEFINITIONS

- 2.1. **Unlawful Workplace Harassment** is unwelcome or unsolicited conduct based upon race, color, gender, creed, religion, national origin, age, sexual orientation, genetic information, veteran status or disability as defined by N.C. G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.
- 2.2. **Hostile Work Environment** is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employees work performance.
- 2.3. **Quid Pro Quo** harassment consists of unwelcome advances, requests for favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 2.4. **Retaliation** is conduct causing any interference, coercion, restraint, or reprisal against a person complaining of harassment or participating in the resolution of a complaint of harassment.

### 3. COVERED EMPLOYEES

- 3.1. Former employees, full-time or part-time employees with a permanent, probationary, trainee, time-limited, or temporary appointment. Applicants, while not covered under the State statute, are covered under other State and Federal Civil Rights Acts.
- 3.2. Outside contractors and vendors are protected from unlawful workplace harassment by employees of North Carolina State University.

### 4. RESOLUTION PROCEDURES

4.1 **SPA Employees:** SPA employees alleging unlawful workplace harassment must contact the Division of Human Resources within 30 calendar days of the alleged harassing action and complete a SPA *Employee Grievance Form* to file a grievance. A Human Resources representative will then notify the department that a grievance has been filed and will oversee the steps of the two-step grievance procedure.

When a completed SPA Employee Grievance Form indicates an allegation of unlawful discrimination or harassment or retaliation, the allegation shall be referred to the Office for Institutional Equity and Diversity (OIED) for an investigation. The grievance shall be held in abeyance during any investigation by the OIED. Upon completion of any investigation by the OIED, the OIED will forward its conclusions to the Grievance Coordinator in Human Resources, who will meet with the grievant in order to determine whether the grievant wants to proceed with the grievance or to voluntarily withdraw the grievance in whole or in part.

**Step One:** Step One is a review by the next level of management, as designated by Human Resources. A grievant may bypass Step One or request another designee when the Step One designee would be a person alleged to have discriminated against, harassed, or retaliated against the grievant.

The Step One designee will meet with the grievant with the purpose of attempting to resolve the issue to the mutual satisfaction of the employee and management. The Step One designee will notify Human Resources of the completion of the meeting and provide a written ruling to the grievant within ten calendar days of the meeting to the grievant, the supervisor, and Human Resources.

If the grievant is not satisfied with the Step One ruling, or fails to receive a ruling within the timeframe specified above, he or she may appeal to Step Two. The grievant must provide written notice to Human Resources within five calendar days of receipt or attempted delivery by overnight or certified mail of the Step One ruling that he or she wants to proceed to Step Two. Failure to request Step Two by the deadline will close the internal review of the grievance.

**Step Two:** Step Two is a hearing before an SPA grievance panel. The panel consists of a three members and two alternates, selected by Human Resources from a pool of trained grievance panel members (both supervisors and non-supervisors).

The Human Resources grievance coordinator will designate a chair of the grievance panel, set the date, time and place of the hearing, and direct both parties to submit specific information to the grievance panel. The chair of the grievance panel conducts the grievance hearing. Proceedings are private and not open to the public. Following the grievance hearing, the panel chair will submit the panel's conclusions and recommendations in a



written report to the Associate Vice Chancellor for Human Resources for review within five calendar days following the hearing. Each panel member will sign the report. The purpose of this review is to ensure that recommendations are in compliance with state and University policy.

The Associate Vice Chancellor for Human Resources, or designee, in turn, will forward the final report to the Vice Chancellor for Finance and Business or his designee.

The University's final written decision will be rendered to the grievant and management representative by the Vice Chancellor for Finance and Business or his designee within 15 calendar days of the grievance panel's report. Human Resources will receive copies of all final decisions.

**Further Appeals:** Career state employees who are not satisfied with the University's final decision may file an appeal with the Office of Administrative Hearings.

An employee who has appeal rights must do so by filing a petition for a contested case hearing with the Office for Administrative Hearings (7111 New Hope Church Road, Raleigh, NC 27609-6285) within 30 calendar days of receipt or last attempted delivery of the University's final decision.

Grievants maintain the right to file a simultaneous complaint under Title VII of the Civil Rights Act with the Equal Employment Opportunity Commission (EEOC).

Former and current SPA employees must proceed through the University Unlawful Workplace Harassment grievance procedures prior to appealing to the Office of Administrative Hearings.

Applicants, while not covered under the N.C. G.S. 168A-3, are covered under other state and Federal Civil Rights Acts.

An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on race, color, national origin, religion, creed, gender, age, political affiliation, ethnicity, genetic information, marital status or disability as defined by N.C. G.S. 168A-3, or a grievance based of retaliation for opposition to alleged discrimination may appeal directly to the Office of Administrative Hearings.

## PRELIMINARY REVIEW OF A COMPLAINT

Once a complaint or grievance has been initiated with OIED, the investigator shall determine within a reasonable amount of time whether the complaint alleges facts that, if true, may demonstrate discrimination, harassment or retaliation in violation of NC State's Equal Opportunity and Non-Discrimination Policy. The complainant is responsible for providing reasons for the basis of his or her complaint to the investigator.

When the preliminary review of the complaint indicates the allegations within the complaint do not constitute a violation of NC State's Equal Opportunity and Non-Discrimination Policy, the investigator shall terminate the complaint resolution process. Termination of the complaint resolution process following a preliminary review bars the issue from other University complaint/grievance resolution processes.

## **INVESTIGATION OF A COMPLAINT**

When a preliminary review indicates that the complaint has brought forth allegations that, if true, might demonstrate a violation of NC State's Equal Opportunity and Non-Discrimination Policy, the investigator shall initiate a thorough review of the situation.

The respondent named in a complaint shall be contacted within a reasonable time by the investigator, informed that an investigation has been initiated, and given the opportunity to respond.

The investigation shall be completed within 60 days of filing the complaint pursuant to these procedures, but the investigation period may be extended when the investigator believes it necessary for an equitable resolution of the situation.

At the conclusion of the investigation, the investigator will prepare a report. The investigator will submit the report to the unit head of the respondent or Office of Student Conduct and notify the parties that the report has been submitted. A copy of the investigation report will be provided to the appropriate dean or vice chancellor.

## **ADMINISTRATIVE ACTION**

The unit head will determine what action, if any, is appropriate after reviewing the report and any additional information the unit head considers relevant. The unit head shall consult with University offices (Office of General Counsel, OIED, HR-ER, OSC, or Academic Affairs) for guidance in taking appropriate action.

If the report indicates there has been a policy violation or other improper conduct by the respondent, the unit head will inform the respondent that a decision has been made and notify the respondent of any administrative action.

An investigative report shall be treated as confidential to the extent that it contains student information protected under federal privacy law or employee information protected under state law. Violation of this confidentiality requirement may result in disciplinary action (this applies to complainants, respondents and witnesses). Confidential student and employee information includes information that can identify persons who are complainants, respondents or witnesses.

The unit head will inform the complainant in writing that a decision has been made, whether or not a policy violation was found, and if a policy violation was found, that appropriate action is being taken to address the violation.

As required by privacy laws, complainants will not be told what disciplinary action, if any, is being taken, unless release of such information is deemed by the unit head to be essential to maintaining the integrity of the department or to maintaining the level or equality of services provided by the department.

The unit head will inform OIED of any corrective or disciplinary action(s) taken to address the policy violation(s) or concerns identified in the investigation report.

## **INFORMAL RESOLUTION**

At any time from the filing of the complaint to the conclusion of the University investigation, either party or the University may suggest a confidential, non-binding

mediation of the dispute. Both parties must agree to participate in the mediation and agree to the resolution that arises from the mediation. In addition, OIED must approve the proposed agreement.

Depending on the circumstances, and even when complaints have been informally resolved, NC State retains the right to investigate and address a complaint involving alleged discrimination, harassment or retaliation.

#### 5. CONFIDENTIALITY

All complaints and proceedings related to discrimination, harassment or retaliation will be subject to the University's legal obligations to assure resolution and normally will be kept confidential to the extent permitted by law. However, information about discrimination, harassment and retaliation complaints may be shared where necessary to investigate, prevent or remedy the prohibited conduct.

#### 6. RETALIATION

Any interference, coercion, restraint or reprisal against any person complaining of unlawful workplace harassment is prohibited.

#### 7. APPROPRIATE DISCIPLINARY ACTIONS

If a complaint has resulted in a finding of harassment or inappropriate behavior, the Dean/Unit Head then must determine the most appropriate resolution of the case. An educational approach to assessing remedies, sanctions and penalties is desired. The primary goal when enacting an appropriate resolution strategy is to ensure the termination of the harassing conduct and to prevent its reoccurrence. These are achieved by imposing appropriate limitations and sanctions upon the respondent. Sanctions should ensure the greatest possibility that the respondent will have a clear understanding of how the inappropriate conduct affected the victim and others. Educating the respondent is the best way to prevent a reoccurrence. Reasonable measures should also be put into place to protect the victim from retaliation. Deans/Unit Heads are directed to consult with the

#### 8.0 DISSEMINATION OF POLICY AND RELATED INFORMATION

##### 8.1 Chancellor's Letter regarding policy and procedure on harassment:

- targets the entire population at North Carolina State University
- contains specific information regarding policy and procedure
- disseminated to all University employees

##### 8.2 Harassment brochures and posters:

- targets the employee population at North Carolina State University
- contain information regarding unlawful harassment in the workplace
- provide information on who to contact if a person experiences unlawful harassment
- are disseminated to employees through various offices

##### 8.3 Video – *Preventing Harassment on Campus: It's Everyone's Responsibility*

- outlines the civil rights laws that protect employees from unlawful harassment
- shows examples of the types of harassment that may occur within a university environment

- provides information on what to do if a person is harassed

#### 8.4 Electronic media (world wide web)

- targets the entire population at North Carolina State University
- provides information regarding policies, procedures, resolution options, point-of-entry system

#### 8.5 Training programs

- Discrimination and Harassment Prevention and Response Training regulation requires completion of an approved training program by all employees and an additional program for individuals in supervisory positions.
- New Employee Orientation targets all new university employees and provides information regarding discrimination and harassment
- Customized training on identifying, addressing and preventing discrimination and harassment is available to all University departments

#### 8.6 Online Unlawful Harassment Prevention Training

- Available to all university employees
- Provides examples of the types of harassment that can occur
- Provides information regarding policies, procedures, resolution options, point-of-entry system

### 9.0 EVALUATION

The Vice Provost for Institutional Equity and Diversity is responsible for reviewing, evaluating and assessing the University's harassment prevention and resolution efforts.





<p style="text-align: center;"><b>Section</b></p> <p style="text-align: center;"><b>7</b></p>
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## Reduction-in-Force Guidelines

The Reduction-in-Force Procedure for staff employees provides equitable treatment for the separation of staff employees when reduction-in-force is necessary. The policy applies to SPA employees (full-time and part-time) holding permanent or trainee appointments.

Temporary employees, probationary employees, or employees with time-limited appointments may be laid off without following the Reduction-in-Force procedures. A reduction-in-force decision is made only after measures such as a hiring freeze on vacant positions, limits on purchasing and travel, and job sharing and work schedule alterations have been considered.

A reduction-in-force might be necessary because of lack of work, lack of funds, abolishment of a position, or other material change in position duties or the organization. Employees whose work performance is unsatisfactory should be separated from employment through the disciplinary procedure rather than reduction-in-force.

A reduction-in-force decision requires a thorough evaluation of both the need for particular positions and the relative value of specific skills, knowledge, and abilities of employees so that North Carolina State University can provide the highest level of service possible with a reduced work force. Determining the retention or separation of a particular employee includes an evaluation of the relative skills, knowledge, and productivity of the employee in comparison to necessary services. Length of service and other factors must be considered but may receive less weight in the determination. The Department Head or Director determines priority for reduction-in-force within the following guidelines:

- temporary employees in the department in the same or related band/level must be terminated before any employee with a probationary or permanent appointment, provided that a probationary or permanent employee can perform the temporary employee's tasks;
- employees with probationary appointments as well as trainees with less than six months service in the same or related band/level must be terminated before any employee with a permanent appointment, provided that the permanent employee can perform the tasks of the probationary employee or trainee;
- reduction-in-force of employees with permanent appointments should be based on the following factors:
  - a) University needs that determine which positions/functions are most vital to the department in the delivery of services; relative skills, knowledge, productivity, and value of employees, and
  - b) length of service of employees.

- in accordance with federal guidelines affecting equal employment opportunity and affirmative action, any application of the reduction-in-force policy must be reviewed by the affected department(s) and Human Resources to determine its impact on the University's affirmative action goals.

At least four weeks prior to the actual separation of any employee for purposes of reduction-in-force, the Director or Department Head submits to the Director of Employee Relations, as delegated by the Associate Vice Chancellor for Human Resources, a written plan indicating the position number(s), title(s), name(s) of employee(s) to be separated, the reason for the reduction-in-force, and an analysis of the proposed reduction-in-force's impact on the department's EEO profile.

After approval by Human Resources, the Director or Department Head provides the following information, in writing, to the employee(s) being laid off:

- the reason for the reduction-in-force;
- the effective date of the reduction-in-force (at least thirty (30) days following notification date);
- direction to contact the Benefits Office to obtain information on benefit options;
- direction to contact Human Resources for information on the following:
  - a) the University's policy on priority re-employment,
  - b) the availability of aid in seeking other employment,
  - c) eligibility to apply for unemployment insurance benefits,
  - d) the amount of severance pay due, if any;
- the right to appeal the reduction-in-force through the SPA Grievance and Appeal procedure; and
- notification that in order to be advantaged by re-employment processes, the employee must complete NC State and state government applications.

The Reduction-in-Force policy is located on the University's Policies, Regulations and Rules site.

# Section

# 8

## Statistical Analyses

This section contains charts of all statistical information relevant to equal employment opportunity reporting.

### Work Force Analysis

#### SPA

##### ➤ SPA Work Force Analysis as of September 30, 2011

- ❖ Availability Analyses
  - Professional
  - Technical
  - Administrative Support
  - Skilled Crafts
  - Service / Maintenance
- ❖ Incumbency v. Estimated Availability
- ❖ Annual Placement Goals

#### EPA

##### ➤ EPA Work Force Analysis as of September 30, 2011

- ❖ Availability Analyses
  - Executives/Administrators
  - Faculty
  - Professional
- ❖ Incumbency v. Estimated Availability
- ❖ Annual Placement Goals



## Changes to Data Collection Methodology

In 1977, the U.S. Office of Management and Budget (OMB) issued Statistical Policy Directive Number 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." In these standards, four racial categories were established: 1) American Indian or Alaskan Native, 2) Asian or Pacific Islander, 3) Black, and 4) White. Additionally, two ethnicity categories were established: 1) Hispanic Origin and 2) Not of Hispanic Origin

Responding to growing criticism that the 1977 racial and ethnic standards did not reflect the diversity of the nation's current population, the OMB initiated a comprehensive review in 1993.

In 1997, the OMB issued "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity" (<http://www.whitehouse.gov/omb/fedreg/1997standards.html>). In these new standards, two modifications included: 1) the Asian or Pacific Islander category was separated into two categories—"Asian" and "Native Hawaiian or Other Pacific Islander," and 2) the term "Hispanic" was changed to "Hispanic or Latino."

On October 19, 2007, the U.S. Department of Education posted to the Federal Register the "Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education" (<http://edocket.access.gpo.gov/2007/pdf/E7-20613.pdf>) to implement OMB's 1997 Standards.

Subsequently, postsecondary institutions were required to report data about racial, ethnic, and gender composition of their workforces using the new race and ethnicity standards through IPEDS to the U.S. Department of Education. Those changes included: (1) renaming the former "Hispanic" category "Hispanic or Latino;" (2) creating a new category for individuals who identify as belonging to "two or more races;" and (3) splitting the former "Asian and Pacific Islander" category into two separate categories of "Asian" and "Native Hawaiian or other Pacific Islander."

In an effort to comply with the guidance on race and ethnicity standards issued by the U.S. Department of Education, all NC State employees were invited during the 2009 Fall Semester to voluntarily self-identify their race, ethnicity and gender through the self-service portal maintained by the University's Department of Human Resources.

Accordingly, employees were first asked to indicate their ethnicity (Hispanic origin or not of Hispanic origin) and secondly which particular race they identify with (American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; White; or two or more).

In addition, the completion of the career banding effort in the SPA classifications has significantly changed the headcounts among some positions in the professional, technical and administrative support job groups.

### *Data Implications*

- Trend data will be difficult, and counts may change for some groups.

- Anyone who answers “Hispanic or Latino” will be reported that way regardless of how he/she answers the race question. This new reporting methodology may cause the count for Hispanics to increase compared to previous years. This also may cause some racial groups to show lower counts than in previous years.
- For affirmative action planning purposes, anyone who identifies as “two or more races,” will be counted as a “minority.”
- 249 employees chose not to voluntarily provide their race and/or ethnicity.
- Challenges in making comparisons between institutions will be obvious as campuses make the change to the new standards.

## Work Force Analysis SPA Work Force Analysis – 9/30/2011

Job Group	Total	Total Minorities	Female								Male						
			Total	White	Black	Hispanic	Asian	American Indian	NHOPI	Two+	Total	White	Black	Hispanic	Asian	American Indian	NHOPI
30 Professional	939	172	404	315	56	8	23	2	0	0	535	452	42	14	21	6	0
40 Technical	696	105	369	311	27	13	16	2	0	0	327	280	33	4	9	1	0
50 Administrative Support	1033	314	887	620	223	13	24	6	1	0	146	99	39	4	2	1	1
60 Skilled Crafts	310	59	9	6	2	0	1	0	0	0	301	245	45	4	4	3	0
70 Service/Maintenance	683	445	290	48	165	67	9	1	0	0	393	190	160	35	5	3	0
<b>Facility Total</b>	3661	1095	1959	1300	473	101	73	11	1	0	1702	1266	319	61	41	14	1
<b>% of Total</b>		29.91	53.51	35.51	12.92	2.76	1.99	0.30	0.03	0.00	46.49	34.58	8.71	1.67	1.12	0.38	0.03

\*\*HR records indicate that 125 SPA employees elected not to disclose their race/ethnic identity and thus were excluded from the analysis.

## Availability Analysis SPA Job Group: Professional – 9/30/2011

Job Group: 30 Professional

Factor	Raw Statistics (%)							Value Weight	Weighted Factor (%)								
	Female	Total Minorities	Black	Hispanic	Asian	Native	NHOPI		Two+	Female	Total Minorities	Black	Hispanic	Asian	Native	NHOPI	Two+
1. Percentage of Minorities and Women Among Those Having Reasonable Recruit Area	43.93	22.72	14.03	1.98	5.39	0.52	0.06	0.75	75.00	32.95	17.04	10.52	1.49	4.04	0.39	0.04	0.56
	Source of Data: Census 2000 Special EEO File Five County Area																
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	72.76	24.08	18.51	1.95	2.93	0.57	0.06	0.06	25.00	18.19	6.02	4.63	0.49	0.73	0.14	0.01	0.01
	Source of Data: Feeder Job Titles																
									100.00								
									Job Group Final Availabilities (%)								
									51.14	23.06	15.15	1.98	4.77	0.53	0.06	0.58	



# Availability Analysis SPA Job Group: Technical – 9/30/2011

Job Group: 40 Technical

Factor	Raw Statistics (%)							Value Weight	Weighted Factor (%)							
	Female	Total Minorities	Black	Hispanic	Asian	Native	NHOPI		Two+	Female	Total Minorities	Black	Hispanic	Asian	Native	NHOPI
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	57.71	25.66	17.31	2.51	4.47	0.79	0.00	0.58	75.00	43.28	19.25	1.88	3.35	0.59	0.00	0.43
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	Source of Data: Census 2000 Special EEO File Five County Area							25.00	Source of Data: Feeder Job Titles							
	72.85	24.23	18.67	1.95	2.92	0.57	0.06		0.06	18.21	6.06	4.67	0.49	0.73	0.14	0.01
									100.00							
									Job Group Fair Availabilities (%)							
									61	25	18	2	4	1	0	0

# Availability Analysis SPA Job Group: Administrative Support – 9/30/2011

Job Group: 50 Administrative Support

Factor	Raw Statistics (%)							Value Weight	Weighted Factor (%)								
	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI		Two+	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	77.69	24.17	20.15	1.21	1.94	0.25	0.0	0.62	50.00	38.85	12.08	10.08	0.60	0.97	0.12	0.0	0.31
	Source of Data: Census 2000 Special EEO File Five County Area																
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	85.87	30.40	25.36	1.65	2.52	0.68	0.10	0.10	50.00	42.93	15.20	12.68	0.82	1.26	0.34	0.05	0.05
	Source of Data: Feeder Job Titles																
									100.00								
									Job Group Final Availabilities (%)								
									82	27	23	1	2	0	0	0	0

# Availability Analysis SPA Job Group: Skilled Crafts – 9/30/2011

Job Group: 60 Skilled Crafts

Factor	Raw Statistics (%)							Value Weight	Weighted Factor (%)									
	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI		Two+	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+	
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	6.12	25.17	14.10	9.29	0.76	0.55	0.00	0.46	75.00	4.59	18.88	10.58	6.97	0.57	0.41	0.00	0.35	
Source of Data: Census 2000 Special EEO File Five County Area																		
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	7.87	19.21	15.74	1.39	1.16	0.93	0.00	0.00	25.00	1.97	4.80	3.94	0.35	0.29	0.23	0.00	0.00	
Source of Data: Feeder Job Titles																		
									100.00									
							Job Group Final Availabilities (%)											
							7	24	15	7	1	1	1	0	0	0	0	

# Availability Analysis SPA Job Group: Service/Maintenance – 9/30/2011

Job Group: 70 Service/Maintenance

Factor	Raw Statistics (%)							Value Weight	Weighted Factor (%)									
	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOP		Two+	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOP	Two+	
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	28.22	49.89	33.51	12.68	2.54	0.38	0.00	0.79	90.00	25.40	44.90	30.16	11.41	2.28	0.34	0.00	0.71	
Source of Data: Census 2000 Special EEO File Five County Area																		
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	41.97	64.54	47.03	14.76	2.03	0.72	0.00	0.00	10.00	4.20	6.45	4.70	1.48	0.20	0.00	0.00	0.00	
Source of Data: Feeder Job Titles																		
									100.00									
									Job Group Final Availabilities (%)									
									30	51	35	13	2	0	0	0	1	

## Incumbency v. Estimated Availability SPA Work Force Analysis – 9/30/2011

Job Group	Less than 80%							Two+
	Female	Minority	Black	Hispanic	Asian	American Indian	NHOPI	
30 Professional	Yes	Yes	Yes					Yes
40 Technical	Yes	Yes	Yes		Yes			Yes
50 Administrative Support								Yes
60 Skilled Crafts	Yes	Yes		Yes				Yes
70 Service/Maintenance					Yes			Yes

Comparison of Incumbency to Availability is performed using the 80% with Whole Person Rule  
Yes indicates 80% Ratio < 80.0 and Difference < = -1.0



## Annual Placement Goals SPA Work Force Analysis – 9/30/2011

Job Group	Placement Goals (%)									
	Female	Minority	Black	Hispanic	Asian	American Indian	NHOPI	Two+		
30 Professional	51.14	23.06	15.15	-	-	-	-	0.58		
40 Technical	61.49	25.31	17.65	-	4.08	0.74	-	0.45		
50 Administrative Support	-	-	-	-	-	-	-	0.36		
60 Skilled Crafts	6.56	23.68	-	7.32	-	-	-	0.35		
70 Service/Maintenance	-	-	-	-	2.49	-	-	0.71		

Comparison of Incumbency to Availability is performed using the 80% with Whole Person Rule

## Work Force Analysis EPA Work Force Analysis – 9/30/2011

Job Group	Total	Total Min.	Female							Male															
			Total	White	Black	Hispanic	Asian	American Indian	NHOPI	Two+	Total	White	Black	Hispanic	Asian	American Indian	NHOPI	Two+							
10 Executives/ Administrators	258	26	89	72	15	2	0	0	0	0	0	0	0	0	0	0	0	169	160	2	4	3	0	0	0
20 Faculty	1781	319	578	472	28	33	39	4	0	2	0	0	0	0	0	0	0	1203	990	38	27	142	4	1	1
30 Professional	1412	255	729	586	63	26	51	2	1	0	0	0	0	0	0	0	0	683	571	41	24	44	3	0	0
Facility Total	3451	600	1396	1130	106	61	90	6	1	2	2	1	1	1	1	1	1	2055	1721	81	55	189	7	1	1
% of Total		17.39	40.45	32.74	3.07	1.77	2.61	0.17	0.03	0.06	0.06	0.03	0.03	0.03	0.03	0.03	0.03	59.55	49.87	2.35	1.59	5.48	0.20	0.03	0.03

\*\* HR records indicate that 124 EPA employees elected not to disclose their gender and or race/ethnic identity and thus were excluded from the analysis.

# Availability Analysis EPA Job Group: Administrators – 9/30/2011

Job Group: 10 Executives/Administrators

Factor	Raw Statistics (%)								Value Weight	Weighted Factor (%)							
	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+		Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	55.00	20.42	10.49	5.84	2.54	0.85	0.10	0.61	75.00	41.25	15.31	7.86	4.38	1.90	0.64	0.07	0.46
	Source of Data: Census 2000 Special FHO File United States																
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	31.61	9.20	5.75	1.72	1.72	0.00	0.00	0.00	25.00	7.90	2.30	1.44	0.43	0.43	0.00	0.00	0.00
	Source of Data: Feeder Job Titles																
										100.00							
										Job Group Final Availabilities (%)							
										49.15	17.61	9.30	4.81	2.33	0.64	0.07	0.46

# Availability Analysis

## EPA Job Group: Faculty – 9/30/2011

Job Group: 20 Faculty

Factor	Raw Statistics (%)								Value Weight	Weighted Factor (%)							
	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+		Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	40.18	20.04	4.72	4.50	10.31	0.50	0.00	0.00	100.00	40.18	20.04	4.72	4.50	10.31	0.50	0.00	0.00
Source of Data: Census 2000 Special FEO File Survey of Earned Doctorates (1996-2005)																	
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
									100.00								
									Job Group Final Availabilities (%)								
									40.18	20.04	4.72	4.50	10.31	0.50	0.00	0.00	

# Availability Analysis EPA Job Group: Professionals – 9/30/2011

Job Group: 30 Professional

Factor	Raw Statistics (%)							Value Weight	Weighted Factor (%)								
	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI		Two+	Female	Total Minorities	Black	Hispanic	Asian	American Indian	NHOPI	Two+
1. Percentage of Minorities and Women Among Those Having Requisite Skills in the Reasonable Recruitment Area	55.08	20.73	12.96	2.16	4.42	0.73	0.02	0.44	75.00	41.31	15.54	9.72	1.62	3.31	0.55	0.02	0.33
	Source of Data: Census 2000 Special EEO File North Carolina																
2. Percentage of Minorities and Women Among Those Promotable, Transferable, and Trainable within the Contractor's Organization	51.85	18.54	7.54	3.62	6.93	0.38	0.08	0.00	25.00	12.96	4.63	1.88	0.90	1.73	0.09	0.02	0.00
	Source of Data: Feeder Job Titles																
									100.00								
									Job Group Final Availabilities (%)								
									54.27	20.18	11.60	2.52	5.05	0.64	0.03	0.33	



## Incumbency v. Estimated Availability EPA Work Force Analysis – 9/30/2011

Job Group	Less than 80%							
	Female	Minority	Black	Hispanic	Asian	American Indian	NHOPI	Two+
10 Executives/Administrators	Yes	Yes	Yes	Yes	Yes	Yes		Yes
20 Faculty			Yes	Yes				
30 Professional			Yes			Yes		Yes

Comparison of Incumbency to Availability is performed using the 80% with Whole Person Rule  
Yes indicates 80% Ratio < 80.0 and Difference < = -1.0

## Annual Placement Goals EPA Work Force Analysis – 9/30/2011

Job Group	Placement Goals (%)							
	Female	Minority	Black	Hispanic	Asian	American Indian	NHOPI	Two+
10 Executives/Administrators	49.15	17.61	9.30	4.81	2.33	0.64		0.46
20 Faculty			4.72	4.50				
30 Professional			11.60			0.64		0.33

Comparison of Incumbency to Availability is performed using the 80% with the Whole Person Rule



**Section****9**

## Appendices

The following policies and regulations are included in this plan:

**Equal Opportunity and Non-Discrimination Policy Statement (POL04.25.05)**

<http://policies.ncsu.edu/policy/pol-04-25-05>

**Resolution Procedures for Discrimination, Harassment, and Retaliation Complaints (REG04.25.02)**

<http://policies.ncsu.edu/regulation/reg-04-25-02>

**Reasonable Accommodations in Employment (REG05.00.02)**

<http://policies.ncsu.edu/regulation/reg-05-00-02>

**Affirmative Action Policy Statement (REG05.55.01)**

<http://policies.ncsu.edu/regulation/reg-05-55-01>

**Hiring Procedures for Faculty and EPA Personnel (REG05.55.02)**

<http://policies.ncsu.edu/regulation/reg-05-55-02>

**Discrimination and Harassment Prevention and Response Training (REG04.25.06)**

<http://policies.ncsu.edu/regulation/reg-04-25-06>

# Equal Opportunity and Non-Discrimination Policy Statement (Reg 04.25.05)

**History:** First Issued: August 30, 1999. Last Revised: November 20, 2009.

**Related Policies:**

[NCSU POL05.25.01 - Faculty Grievance and Non-Reappointment Review Policy](#)

[NCSU POL11.35.01 - Code of Student Conduct](#)

[NCSU POL11.40.01 - Uniform Student Grievance Procedures](#)

[NCSU REG04.25.02 - Resolution Procedures for Discrimination, Harassment and Retaliation Complaints](#)

[NCSU REG04.25.03 - Sexual Orientation Policy Statement](#)

[NCSU REG04.25.06 - Discrimination and Harassment Prevention and Response Training](#)

**Additional References:**

[Human Resources, Policies and Procedures Manual - Non-Discrimination Appendix SPA Grievance and Appeals Procedures](#)

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## 1. POLICY STATEMENT

1.1 It is the policy of the State of North Carolina to provide equality of opportunity in education and employment for all students and employees. Educational and employment decisions should be based on factors that are germane to academic abilities or job performance. Accordingly, the North Carolina State University (“NC State”) does not practice or condone unlawful discrimination in any form, as defined by this policy.<sup>3</sup>

NC State hereby affirms its desire to maintain a work environment for all employees and an academic environment for all faculty members and students that is free from all forms of prohibited discrimination. NC State strives to build and maintain an environment that supports and rewards individuals on the basis of such relevant factors as ability, merit and performance; the prohibited behaviors of discrimination, harassment and retaliation are incompatible with the values and goals of NC State.

1.2 Discrimination as defined in Section 3 is a violation of this policy and will not be tolerated by NC State.

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<sup>3</sup> This policy reflects federal and state civil rights laws such as: Title VII of the Civil Rights Act, Title IX of the Education Amendments, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, among others.



## 2. RESPONSE TO PROHIBITED BEHAVIOR

2.1 NC State will respond promptly to all complaints of discrimination, harassment and retaliation. Violation of this policy can result in serious disciplinary action up to and including expulsion for students or discharge for employees.

2.2 Disciplinary action for violation of this policy will be the responsibility of the dean or director, supervisor, or Office of Student Conduct, as may be appropriate in accordance with applicable procedures.

## 3. DEFINITIONS

### 3.1 Discrimination

3.1.1. Discrimination is unequal and unlawful treatment based upon race, color, religion, creed, sex,<sup>4</sup> national origin, age, disability, or veteran status. Discrimination based on sexual orientation is also prohibited by this policy.<sup>5</sup>

### 3.2 Harassment

3.2.1 Harassment is unwelcome conduct based upon race, color, religion, creed, sex, national origin, age, disability, veteran status, or sexual orientation that either 1) creates a quid pro quo situation, or 2) creates a hostile working or learning environment.

3.2.1.1 Quid Pro Quo harassment occurs when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic advancement, or receipt of a needed or legitimately requested university service; or submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment, employment decisions, academic advancement or receipt of a needed or legitimately requested university service.

3.2.1.2 Hostile Environment harassment occurs when both a reasonable person would find the conduct hostile or abusive and the person who is the object of the conduct perceives the conduct to be hostile or abusive. A hostile environment is determined by looking at all of the circumstances, including the frequency of the conduct, the severity of the conduct, and whether the conduct unreasonably interferes with one's work or academic performance.

### 3.3 Retaliation

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<sup>4</sup> The policy's prohibition against discrimination on the basis of sex includes actual or perceived gender identity and gender expression.

<sup>5</sup> NC State does not allow discrimination nor harassment on the basis of sexual orientation with respect to internal university matters that do not contravene federal or state law and that do not interfere with NC State's relationships with outside organizations, including the federal government, the military, ROTC, and private employers.

3.3.1 Retaliation is an adverse action against a covered individual because that individual engaged in a protected activity.

3.3.1.1 "Protected activity" includes: 1) opposing a practice believed to be a violation of this policy; 2) participating in a proceeding intended to resolve a violation of this policy; or 3) requesting a reasonable accommodation based on disability or religion.

#### **4. VIOLATIONS OF POLICY**

4.1 Any individual with a concern, grievance or complaint of discrimination, harassment or retaliation should use the procedures outlined in the Resolution Procedures for Discrimination, Harassment and Retaliation Complaints.

# Resolution Procedures for Harassment Complaints (Reg 04.25.02)

**History:** First Issued: August 30, 1999. Last Revised: November 20, 2009.

**Related Policies:**

[NCSU POL04.25.05 – Equal Opportunity and Non-Discrimination Policy Statement](#)  
[NCSU POL05.25.01 – Faculty Grievance and Non-Reappointment Review Policy](#)  
[NCSU POL11.35.01 - Code of Student Conduct](#)  
[NCSU POL11.40.01 - Uniform Student Grievance Procedure](#)  
[NCSU REG04.25.06 - Discrimination and Harassment Prevention and Response Training](#)

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## 1. SCOPE

These procedures are to be used to resolve complaints of discrimination, harassment and retaliation (see Equal Opportunity and Non-Discrimination Policy for definitions). This regulation covers behavior on the part of faculty, staff, students and others affiliated with North Carolina State University (“NC State”) that constitutes prohibited discrimination, harassment or retaliation, and that takes place within the scope of their work, academic or other campus related activities and/or university responsibilities.

## 2. COVERED PERSONS

- 2.1 All individuals employed by NC State.
- 2.2 All individuals enrolled as students at NC State.
- 2.3 Individuals who are visitors or otherwise affiliated or involved with activities at NC State.

## 3. DEFINITIONS

- 3.1 Complainant: A complainant is an individual who complains of discrimination, harassment or retaliation as defined by the Equal Opportunity and Non-Discrimination Policy.
- 3.2 Respondent: A respondent is the individual (or individuals, unit, or agency) named by the complainant as the person (or persons) engaging in alleged discriminatory, harassing or retaliatory conduct.
- 3.3 Witness: A witness is a participant in an investigation of discrimination, harassment or retaliation.
- 3.4 Complaint: Allegations of discriminating, harassing, or retaliatory conduct submitted to OEO.

3.5 Grievance: A grievance submitted by an employee pursuant to the SPA, EPA non-faculty or faculty grievance procedures.

3.6 Investigator: A university administrator appointed by the Office for Equal Opportunity (“OEO”) to investigate a complaint.

#### **4. CONFIDENTIALITY**

All complaints and proceedings related to discrimination, harassment or retaliation will be subject to the university's legal obligations to assure resolution and normally will be kept confidential to the extent permitted by law. However, information about discrimination, harassment and retaliation complaints may be shared where necessary to investigate, prevent or remedy the prohibited conduct.

#### **5. DEPARTMENTS TO CONTACT FOR COMPLAINT SUBMISSION**

5.1 Office for Equal Opportunity: OEO works to address concerns of discrimination, harassment and retaliation. OEO accepts complaints from students, staff, faculty and others associated with the campus community.

5.2 Human Resources-Employee Relations (“HR-ER”): HR-ER assists NC State employees in resolving a variety of workplace concerns and houses the SPA employee and EPA non-faculty grievance processes. HR-ER accepts complaints and grievances alleging discrimination, harassment or retaliation and forwards them to OEO for investigation. Grievances submitted to HR-ER will be held in abeyance until the completion of this regulation’s resolution process.

5.3 Faculty Senate: Faculty grievances must be submitted to the chair of the faculty.

5.4 Office for Student Conduct (“OSC”): OSC addresses student conduct and accepts complaints of inappropriate behavior against students, including discrimination, harassment and retaliation.

#### **6. PROCEDURAL REQUIREMENTS**

6.1 Complaints under this regulation must be initiated with OEO (directly or through HR-ER) within 30 calendar days of the most recently alleged discriminatory, harassing or retaliatory action.

6.2 An SPA employee must complete an “SPA Grievance Form” within 30 days of the alleged incident of discrimination, harassment or retaliation to preserve his or her right to file an appeal to the State Personnel Commission.

6.3 Filing a complaint pursuant to these procedures does not bar an individual from filing a claim of discrimination, harassment or retaliation with a state or federal agency.

#### **7. PRELIMINARY REVIEW OF A COMPLAINT**



7.1 Once a complaint or grievance has been initiated with OEO, the investigator shall determine within a reasonable amount of time whether the complaint alleges facts that, if true, may demonstrate discrimination, harassment or retaliation in violation of NC State's Equal Opportunity and Non-Discrimination Policy. The complainant is responsible for providing reasons for the basis of his or her complaint to the investigator.

7.1.1 When the preliminary review of the complaint indicates the allegations within the complaint do not constitute a violation of NC State's Equal Opportunity and Non-Discrimination Policy, the investigator shall terminate the complaint resolution process. Termination of the complaint resolution process following a preliminary review bars the issue from other university complaint/grievance resolution processes.

## **8. INVESTIGATION OF A COMPLAINT**

8.1 When a preliminary review indicates that the complaint has brought forth allegations that, if true, might demonstrate a violation of NC State's Equal Opportunity and Non-Discrimination Policy, the investigator shall initiate a thorough review of the situation.

8.2 The respondent named in a complaint shall be contacted within a reasonable time by the investigator, informed that an investigation has been initiated, and given the opportunity to respond.

8.3 The investigation shall be completed within 60 days of filing the complaint pursuant to these procedures, but the investigation period may be extended when the investigator believes it necessary for an equitable resolution of the situation.

8.4 At the conclusion of the investigation, the investigator will prepare a report. The investigator will submit the report to the unit head of the respondent or OSC and notify the parties that the report has been submitted. A copy of the investigation report will be provided to the appropriate dean or vice chancellor.

## **9. ADMINISTRATIVE ACTION**

9.1 The unit head will determine what action, if any, is appropriate after reviewing the report and any additional information the unit head considers relevant. The unit head shall consult with university offices (Office of General Counsel, OEO, and HR-ER, OSC, or Academic Affairs) for guidance in taking appropriate action.

9.2 If the report indicates there has been a policy violation or other improper conduct by the respondent, the unit head will inform the respondent that a decision has been made and notify the respondent of any administrative action taken.

9.3 An investigation report shall be treated as confidential to the extent that it contains student information protected under federal privacy law or employee information protected under state law. Violation of this confidentiality requirement may result in disciplinary action (this applies to complainants, respondents and witnesses). Confidential student and employee information includes information that can identify persons who are complainants, respondents or witnesses.



9.4 The unit head will inform the complainant in writing that a decision has been made, whether or not a policy violation was found, and if a policy violation was found, that appropriate action is being taken to address the violation.

9.5 As required by privacy laws, complainants will not be told what disciplinary action, if any, is being taken, unless release of such information is deemed by the unit head to be essential to maintaining the integrity of the department or to maintaining the level or quality of services provided by the department.

9.6 The unit head will inform OEO of any corrective or disciplinary action(s) taken to address the policy violation(s) or concerns identified in the investigation report.

## **10. INFORMAL RESOLUTION**

10.1 At any time from the filing of the complaint to the conclusion of the university investigation, a complaint may be resolved informally provided (1) the complainant(s) and respondent(s) mutually agree to the terms and conditions of the proposed settlement, and (2) OEO approves the proposed settlement.

10.2 At any time from the filing of the complaint to the conclusion of the university investigation, either party or the university may suggest a confidential, non-binding mediation of the dispute. Both parties must agree to participate in the mediation and agree to the resolution that arises from the mediation. In addition, OEO must approve the proposed agreement.

10.3 Depending on the circumstances, and even when complaints have been informally resolved, NC State retains the right to investigate and address a complaint involving alleged discrimination, harassment or retaliation.

## Reasonable Accommodations in Employment (Reg 05.00.02)

**History:** First Issued: September 2, 1997. Last Revised: February 13, 2008.

**Related Policies:**

[NCSU REG02.20.01 – Academic Accommodations for Students with Disabilities](#)

[NCSU REG05.25.01 - SPA Employee Performance Pay Dispute Resolution](#)

[NCSU REG05.25.02 - SPA Grievance and Appeal](#)

**Additional References:**

[Form EEO-009](#)

[Form EEO-010](#)

[Form EEO-011](#)

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### 1. Introduction

In accordance with the Americans with Disabilities Act of 1990 (“ADA”) and state law, North Carolina State University (hereinafter NC State) is required to accommodate an otherwise qualified individual with a disability by providing a reasonable accommodation in employment. Specifically, NC State is required to provide reasonable accommodations to qualified applicants or employees with known physical or mental disabilities unless it can be demonstrated that the accommodation would create an undue hardship for the institution or lower quality or production standards. This regulation addresses the provision of a reasonable accommodation in employment.

### 2. Covered Individuals

All employees at NC State are covered individuals under this regulation. Applicants for vacant university positions who desire an accommodation in the application process should contact the ADA Coordinator.

### 3. Definitions

3.1 Disability: a physical or mental impairment that substantially limits one or more major life activities.

3.2 Essential Job Function: the fundamental job duty of a position an individual holds or desires. Essential functions are the primary job tasks in the position. Deciding what is an essential function will be determined by reviewing an employee's job description and actual duties performed. A partial list of factors that can be considered in determining if a particular function is essential includes:

a supervisor's judgment as to which functions are essential;

written job descriptions and specifications prepared before advertising or interviewing applicants for a job;

the amount of time spent performing the function;

the consequences of not requiring a current employee to perform the function;

the work experiences of past employees in the job; and

the current work experience of incumbents in similar jobs.

**3.3 Marginal Job Function:** a job function that would be considered a secondary job task. Although important and necessary to the position, a marginal job function could be reassigned to others and/or are performed a lesser percentage of time as compared to the essential functions. Marginal job functions would be non-critical tasks.

**3.4 Qualified Individual with a Disability:** a person who satisfies the pre-requisites of a position desired or held and can perform the essential functions of the position, with or without an accommodation.

**3.5 Reasonable Accommodation:** any change or modification in the work environment that enables an individual with a disability to enjoy equal employment opportunities.

**3.6 Undue Hardship:** a significant difficulty or expense of the university in providing a specific accommodation to a qualified individual with a disability. Undue hardship refers not only to financial difficulty, but also to reasonable accommodations that are unduly extensive, substantial, or disruptive, and/or those that would fundamentally alter the nature or operation of the business.

#### **4. Reasonable Accommodation For Employees With Disabilities Procedure**

The ADA Coordinator/Director of Disability Compliance Programs ["ADA Coordinator"] in the Office for Equal Opportunity has the responsibility of engaging in a deliberative process for determining whether an employee is a qualified individual with a disability for purposes of providing reasonable accommodations.

##### **4.1 Eligibility Review Process**

**4.1.1** An employee with a disability who desires an accommodation to perform essential job functions must submit a Request for Eligibility Review Form (EEO-009) to the ADA Coordinator.

**4.1.2** If the employee receives considerations during the period the request is under review, these considerations will be for the purpose of creating an environment where the employee can perform the essential requirements of the job while the eligibility review is pending. These considerations do not affect the eligibility decision that will come from the ADA Coordinator.

**4.1.3** The employee must have his/her diagnostician submit disability documentation (EEO-

010) directly to the ADA Coordinator. The ADA Coordinator may require additional documentation from the diagnostician to make an eligibility determination.

4.1.4 The ADA Coordinator will notify the employee and the supervisor of the employee's eligibility for an accommodation.

#### 4.2 The Accommodation Interactive Process

If an employee is eligible for an accommodation and desires an accommodation, the employee must schedule a meeting with the ADA Coordinator who will facilitate an interactive process between the employee and supervisor to determine the accommodations that will be provided to the employee.

4.2.1 During the interactive process, the ADA Coordinator, as facilitator, is responsible for:

Ensuring that the parties understand the interactive process;

Offering suggestions for possible reasonable and effective accommodations that will allow the employee to perform the essential job functions of his/her particular job; and

Providing the document for signatures (EEO-011) that outlines the accommodations that will be provided to the employee; and

Ensuring that the employee is provided with a written decision on the requested accommodation(s) within a reasonable amount of time, not to exceed 30 days from the date that the employee's eligibility was determined.

4.2.2 During the interactive process, the employee is responsible for:

Stating how the disability limits his/her functioning in the job, and

Suggesting specific workplace accommodations that will allow him/her to perform the essential functions of the job.

4.2.3 During the interactive process, the supervisor is responsible for:

Analyzing the employee's particular job to determine its essential functions;

Assessing whether or not the employee's requested workplace accommodations are reasonable and if they will likely overcome the disability related limitations found in the workplace; and

Making the decision regarding what, if any, workplace accommodations will be implemented.

#### 4.3 Reasonable Accommodations

4.3.1 Reasonable accommodations will be determined on a case-by-case basis. Accommodations may include, but are not limited to, the following:



Altering existing facilities or work stations;

Offering a flexible or modified work schedule (with no loss in total hours worked);

Acquiring or modifying certain equipment or devices; or

Providing auxiliary aids and/or services.

4.3.2 The employee should request a review of accommodations if he/she becomes unable to perform the essential requirements of the job.

#### 4.2.4 Confidentiality

While supervisors and the ADA Coordinator will know the functional limitations of an employee and the ADA Coordinator will have access to medical documentation regarding an employee's diagnosis, the information will be kept confidential and only revealed to others on a "need to know" basis.

### **5. Grievance Procedures**

If an employee believes that a determination under this regulation (regarding eligibility for a reasonable accommodation or provision of a reasonable accommodation) has been reached improperly or unfairly, the complaining employee may file a formal grievance through the established grievance procedures applicable to that classification of employee. Employees or applicants may also file charges of discrimination directly with the Equal Employment Opportunity Commission (EEOC), or, in the case of SPA employees or applicants, they may appeal directly to the State Personnel Commission by filing a petition for contested case hearing with the Office of Administrative Hearings no later than 30 calendar days from receipt of the decision(s).



# Affirmative Action Policy Statement (Reg 05.55.01)

**History:** First Issued: 1975.

**Related Policies:**

[NCSU POL04.25.02 - Racial Harassment](#)

[NCSU POL04.25.03 - Sexual Harassment](#)

[NCSU REG04.25.03 - Sexual Orientation Policy Statement](#)

[NCSU REG04.25.04 - Unlawful Harassment Policy Statement](#)

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## 1. Purpose

To specify the University's policy of equal employment opportunity through affirmative action and to identify responsibility for actions in support of a positive program to meet legal obligations and University diversity goals as outlined in the Affirmative Action Plan in accordance with Executive Order 11246.

## 2. Policy Statement

It is the policy of NC State University to provide equal opportunity in all terms and conditions of employment, for all persons, as described in the University's Affirmative Action Plan. The intent of this policy is to ensure the full realization of equal opportunity through a continuing affirmative action program in each administrative unit outlined in the Plan. This policy of equal opportunity applies to, and must be an integral part of, every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees and applicants for employment at NC State University.

## 3. Responsibility:

3.1. Responsibility for the development of the Affirmative Action Plan is hereby assigned to the vice provost for equal opportunity and equity who serves as the University's Affirmative Action Officer and directs the Office for Equal Opportunity.

3.2. The head of each administrative unit identified in the Affirmative Action Plan, and subunits as identified by the Office for Equal Opportunity, shall be responsible for working with the staff of the Office for Equal Opportunity in implementing the requirements of the Plan.

3.2.1. It is the responsibility of each Dean, Director, and Department Head to:

3.2.1a. Submit to the Office of Equal Opportunity by April 15th each year a "Status Report for Recruitment and Retention" describing the unit's progress regarding the implementation of strategies for improvement in the recruitment and retention of women and minorities.

3.2.1b. Provide sufficient resources to administer such a program in a positive and effective manner;

3.2.1c. Collaborate with Human Resources to assure that recruitment activities reach appropriate sources of job candidates;

3.2.1d. Provide reasonable opportunities for employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities.

#### **4. Affirmative Action Compliance:**

4.1. The Office for Equal Opportunity shall be responsible for preparing guidelines and instructions necessary and appropriate to carry out the intent of this University policy and the Affirmative Action Plan

4.2. The Office for Equal Opportunity will evaluate and monitor continuously the Affirmative Action Plan by:

4.2.1. Establishing goals and timetables to reduce and eliminate underutilization of all groups;

4.2.2. Reviewing and evaluating administrative unit program operations periodically and reporting to the Chancellor as appropriate on overall progress.

4.3. The Office for Equal Opportunity will provide training and advice to managers and supervisors to assure their understanding and implementation of the University's policy of equal opportunity and the Affirmative Action Plan.

## Hiring Procedures for Faculty and EPA Personnel (Reg 05.55.02)

**History:** First Issued: 1975. Last Revised: August 10, 2010.

**Related Policies:**

[NCSU REG04.25.02 - Resolution Procedures for Discrimination, Harassment and Retaliation Complaints](#)

[NCSU REG10.10.08 - Postdoctoral Scholars](#)

[NCSU POL04.25.05 - Equal Opportunity and Non-Discrimination Policy Statement](#)

[NCSU POL05.15.01 - Employees Exempt from the State Personnel Act \(EPA\) Policy](#)

**Additional References:**

[NCGS 126-82 – Veteran’s Preference](#)

[Hiring Procedures Manual for EPA Faculty and Non-Faculty Personnel](#)

[Online Employment System](#)

[Hiring Official User Guide](#)

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### 1. COVERED POSITIONS

All EPA employee positions at NC State University are subject to the procedures outlined in this regulation. Postdoctoral appointments are covered under [NCSU REG10.10.08 - Postdoctoral Scholars](#), rather than this regulation.

### 2. PURPOSE

This regulation outlines the procedures to be followed when hiring faculty and EPA non-faculty employees at the University to ensure our obligations under equal employment opportunity and affirmative action are fulfilled and to support consistency of administration across the institution.

A full search must be conducted when filling full-time faculty positions, EPA positions of instruction, research, extension and “senior academic and administrative officer” (SAAO) positions. A “full” search includes widespread publicity of the available position, efforts to encourage qualified women and minorities to apply, review of applications, and interviews.

### 3. EPA RECRUITMENT PROCEDURES

These are the steps required by equal opportunity and affirmative action regulations when conducting a search for a vacant position. Appropriate recruitment activities must be undertaken to fill such vacant positions at NC State when the appointment will be more than 3 days in length. While there is flexibility on how each department conducts its individual searches, the documentation requirements are the same for all.



### 3.1 Vacancy Notice

3.1.1 To post a position whether full-time or part-time, a department must submit a Vacancy Notice through the HR online employment system. EPA vacancies are posted by Human Resources on the University's website.

3.1.2 All tenured/tenure track faculty vacancies and all SAAO-Tier I vacancies must be advertised in a national publication with broad circulation. Electronic, web and listserv media are acceptable. Tenured/tenure track faculty and SAAO-Tier I vacancies must accept applications for at least twenty (20) business days.

3.1.3 All other EPA positions, including SAAO-Tier II positions, non-tenure track faculty and other non-faculty professional positions, must be posted for at least ten (10) business days. In addition, media sources deemed appropriate for the level and specialization of the position should be used to ensure a qualified, diverse applicant pool.

3.1.4 Vacancies posted for current/internal employees only, or those advertised only in North Carolina advertising sources, must be open and accept applications for at least ten (10) business days.

3.1.5 HR must review and endorse all proposed advertisements for compliance with university policies and state and federal law and regulations prior to the advertisement being distributed through any venue.

### 3.2 Interim EPA Recruitment Report

3.2.1 Applicant Statuses. Hiring departments must update each applicant status in the online employment system to identify "first tier" and "second tier" candidates.

3.2.2 Departments must give preference in employment to "eligible veteran" applicants. Hiring departments should contact HR-Employment for assistance in applying "veteran's preference" as outlined in G.S. 126-82.

3.2.3 Departments must consider all applications that are received during the posting period and that meet the minimum required qualifications for the position.

3.2.4 Once a hiring official or search committee identifies candidates to interview, an Interim Recruitment Report must be completed in the online employment system and approved by the Office for Equal Opportunity (OEO). Screening of the applicants and submission of an Interim Recruitment Report may occur during the minimum advertising period (20 business days or 10 business days as noted above in sections 3.1.2, 3.1.3 and 3.1.4). This report lists the candidates who are not being considered further and the specific reasons for their elimination, as well as listing the candidates who will continue to be considered. Subsequent Interim Recruitment Reports can be submitted after the initial report, if additional candidates are identified for

interview after the initial interim report.

### 3.3 Hiring Proposal

3.3.1 Applicant Statuses. Hiring departments must update each applicant's status in the online employment system to identify which candidates were interviewed and to indicate a justification for each non-interviewed candidate.

3.3.2 After conducting interviews and narrowing the applicant pool to its top candidate, but before extending an offer of employment, the department must complete the Hiring Proposal via the online employment system and submit it to Human Resources. The Hiring Proposal indicates the finalists and specifically names the person to whom the hiring department proposes to extend an offer. The Hiring Proposal is forwarded to the OEO for approval. Only after a department has received notification of OEO approval of the Hiring Proposal may an offer be extended to the chosen candidate.

3.3.3 Additional Hiring Proposals may be submitted if the initial candidate to whom an offer is made declines the offer. The additional proposal is submitted via the online employment system to extend an offer to another finalist from the same search.

### 3.4 Exceptions to the EPA Recruitment Process

#### 3.4.1 CVM Interns and Residents

Individuals appointed as interns and residents (House Officers) in the College of Veterinary Medicine (CVM) may be selected through the process utilized to place interns and residents at colleges of veterinary medicine. The American Association of Veterinary Clinicians (AAVC) Matching Program Directory ([www.virmp.org](http://www.virmp.org)) is used to advertise most clinical training positions. Internship and residency programs that do not participate in the Matching Program are advertised in the *Journal of the American Veterinary Medical Association*, and other applicable sources.

#### 3.4.2 Request for Waiver of EPA Recruitment Procedures

To ensure that the University employs faculty, staff and administrators of the highest quality, concerted recruitment efforts to reach large and diverse audiences are strongly encouraged; however, there are limited circumstances that may warrant a Waiver of Recruitment Procedures. The Request for Waiver of EPA Recruitment is to be used only in *exceptional* circumstances.

3.4.2.1 Before submitting a waiver request, the hiring official must contact the University's Equal Opportunity Officer in OEO to discuss the hiring situation and the reason for a waiver.

3.4.2.2 If OEO agrees that a waiver is appropriate, the hiring unit must complete a Vacancy Notice in the online employment system and identify it as an EPA Waiver. The waiver request must include a memorandum of justification.



3.4.2.3 Hiring departments may proceed with hiring candidates using a waiver only after the OEO approves the request in the online employment system.

# Discrimination and Harassment Prevention and Response Training (REG04.25.06)

**History:** First Issued: June 5, 2007.

**Related Policies:**

[NCSU REG04.25.04 - Unlawful Harassment Policy Statement](#)

[NCSU REG04.25.02 - Resolution Procedures for Discrimination, Harassment and Retaliation Complaints](#)

**Additional References:**

[NCSU Online Unlawful Harassment Prevention Training](#)

[Information & Resources on Harassment and Discrimination](#)

[Proposal for Mandatory Training on Unlawful Discrimination and Harassment for NC State University Employees](#)

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## 1. Introduction

North Carolina State University (NC State) is dedicated to equality of opportunity in its community and is committed to fostering an environment free from discrimination and harassment. To meet these goals, all employees are required to complete an approved training program designed to help employees understand their rights and responsibilities as to NC State's policies regarding discrimination and harassment.

## 2. Definitions

### 2.1 Approved Training Program

A training program on discrimination and harassment prevention and response approved by the Office for Equal Opportunity (OEO) at NC State. Approved training programs may be presented to employees in a variety of ways (e.g. live training, video training, or on-line training).

### 2.2 Employee

An individual who is employed by NC State.

### 2.3 Supervisor

An employee in a position in which an essential job function involves directing the work of other employees. Supervisors have the authority to assign and evaluate work; hire, discipline or dismiss employees; or have significant input into such actions.

## 3. Training Requirements

### 3.1 Employees

3.1.1 All employees must complete an approved training program within the first six months of employment.

3.1.2 Employees hired prior to the effective date of this regulation must complete an approved training program within six months of the issuance date of this regulation. In the event that an employee has completed an approved training program in the two years prior to the issuance date of this regulation, the employee may receive exemption from this requirement from OEO.

3.1.3 All employees shall complete at least one approved training program every five years.

3.1.4 Employees shall be subject to disciplinary action if the training requirement is not fulfilled within the specified time frame.

## 4. Supervisory Training

4.1 Supervisors are required to complete an additional approved training program that specifically addresses supervisory responsibilities within six months of the effective date of this regulation or six months of their appointment into a supervisory position.

4.2 All supervisors shall complete at least one supervisor-specific approved training session every five years.

4.3 In the event of a supervisor's appointment to a different supervisory position, the supervisor may maintain the original five-year training schedule established by the first supervisory appointment.

4.4 If the supervisor-specific approved training program requirement is not fulfilled within the specified timeline, the supervisor shall be subject to disciplinary action.

## 5. Responsibilities Related to Training Requirement

### 5.1 Office for Equal Opportunity Responsibilities

5.1.1. OEO shall review, approve, and generate relevant training programs on discrimination and harassment prevention and response for the employees at NC State.

5.1.2. OEO shall contact each University department at least once per year to remind each department of the training requirement.

5.1.3. OEO shall provide options for employees to fulfill the training requirement without undue hardship. Options to fulfill the requirement include, but are not limited to: 1) A facilitator from OEO may attend a regularly scheduled faculty and/or staff meeting to provide the training at a time convenient for the work group; 2) The dean, director, department head or unit supervisor may schedule time for employees to attend an unlawful discrimination and

harassment prevention and response workshop or to complete the online training module; or 3) Employees may attend a pre-scheduled training session offered by OEO.

5.1.4 OEO shall maintain a list and schedule of approved training program opportunities.

5.1.5. OEO will conduct ongoing evaluation and assessment of the approved training programs.

## 5.2 Individual and Departmental Responsibilities

5.2.1 Each employee is responsible for his or her own completion of an approved training program and a supervisor-specific approved training program, if applicable.

5.2.2. Each University department or unit is responsible for notifying its employees about the requirement and accommodating employees' needs to fulfill the requirement.

## 6. Records of Training Requirement Fulfillment

6.1 OEO shall maintain attendance records for all employees who attend approved training sessions. Employees must provide their names and University identification numbers for record-keeping purposes when participating in approved training programs.

6.2 Employees or departmental offices may contact OEO to inquire about the status of one's training requirement fulfillment.



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