

EEO Plan

March 1, 2015

NORTH CAROLINA STATE UNIVERSITY

Equal Employment Opportunity Plan

March 2015

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Section

1

Organizational Profile

North Carolina State University (NC State) was established under the auspices of the federal **Morrill Act of 1862**, which allowed the U.S. government to donate federally owned land to the states for the purpose of establishing colleges that would teach “agriculture and the mechanic arts.” NC State was founded in 1887, as the **North Carolina College of Agriculture and Mechanic Arts**. The brand-new school held its first classes in the fall of 1889 with 72 students, six faculty members and one building.

In the early 1900s, a new federal program sparked an era of outreach work at the college. The 1914 passage of the Smith-Lever Act created an educational partnership between **land-grant** colleges and the U.S. Department of Agriculture. Under this new cooperative extension program, the colleges would send staff to meet with farmers around the state and provide practical agricultural instruction. This led North Carolina to establish the Cooperative Agricultural Extension Service at NC State.

By the 1920s, **State College** (as the school was then known) was beginning to grow beyond its original agricultural and mechanical focus, adding schools of engineering, textiles, education and business, as well as a graduate school. The Depression imposed economic challenges on higher education throughout the nation, and State College was no exception. As the crisis slowly eased, the college renewed its growth, adding students and developing new programs until the onset of World War II.

State College contributed to the war effort by hosting a number of military detachments and training exercises and by refitting the work of several departments and programs to military and defense purposes.

The campus experienced unparalleled growth during the postwar years as the G.I. Bill brought thousands of former servicemen to campus. In the following decades, the college continued to expand its curricula, creating schools of design, forestry, physical science and mathematics, and humanities and social sciences. During these years of growth, the name was changed again, this time to North Carolina State University at Raleigh.

A Land Grant Institution

As a land grant institution, NC State exists to meet the needs of the people of North Carolina for a “liberal and practical education in the several pursuits and professions in life” and to make contributions to the economic development of the state of North Carolina.

The university celebrated its 100th anniversary in 1987, which also saw the creation of Centennial Campus, bringing together university and corporate leaders to partner in teaching, research and economic development.

NC State has developed into a vital educational and economic resource, with more than 34,000 students and over 8,000 faculty and staff. A wealth of university outreach and extension programs continues to provide services and education to all sectors of the state's economy and its citizens. Consistently ranked a best value among the nation's public universities, NC State — the state's largest university — is an active, vital part of North Carolina life.

Today, **127 years** after its first classes were held, NC State continues to follow its original mission: opening the doors of higher education to the citizens of North Carolina and providing teaching, research and extension that strengthen the state and its economy.

Detailed organizational charts for the institution can be viewed at:
<http://upa.ncsu.edu/univ/org>.

Section

2

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, 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 or harassment in any form against employees or applicants on the grounds of race, color, national origin, religion, sex, age, disability, veteran's status, sexual orientation, gender identity, 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 who allege discrimination based on sexual orientation are limited to the University's internal review and appeal 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, and social and recreational programs are administered without regard to race, color, national origin, religion, sex, age, disability, veteran's status, sexual orientation, gender identity, or genetic information.

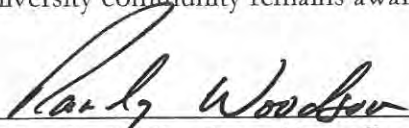
In furtherance of this policy, NC State University prohibits retaliatory action against any employee or applicant for employment who makes a charge of employment discrimination, or who testifies, assists, or participates in any manner at a hearing, proceeding or investigation of employment discrimination. 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

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** 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 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 employees and applicants with disabilities as they have for non-disabled employees and applicants.

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

Section**3**

Assignments of Responsibility and Accountability Responsibility of Line Officers

Chief Executive and Administrative Officers

The Vice Provost for Institutional Equity and Diversity, the Unit Equity 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 and Dean for the Division of Academic and Student Affairs, Vice Chancellor for Research, Innovation, and Economic Development, Vice Chancellor for University Advancement, Vice Chancellor for Information Technology, The Director of Athletics, the Deans, and the Academic Department Heads), and all other personnel of the University who have a part in appointing, hiring, 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 that impact the EEO program directly, managers and supervisors are most crucial to the program. Each manager and supervisor is responsible implementing the specific elements of the University's equal employment opportunity plan designed to avoid or eliminate the underutilization of minorities, females, and workers with disabilities as barriers to equal employment opportunity which cause under-utilization.

It is expected that managers and supervisors be evaluated on their performance in a University's equal employment opportunity goals. The specific responsibilities of 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/AA (Equal Employment Opportunity/Affirmative Action) 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 Equity Officers. The duties and responsibilities of the Equal Opportunity Officer are:

- interacting with the Chancellor, Provost, Vice Chancellors, Unit Equity 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, sex, age, national origin, sexual orientation, gender identity, 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 (HR) and other administrative personnel, the EEO Plan including writing and publishing policy statements, establishing goals and timetables for addressing 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, provision of reasonable accommodations for religion and 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;
- monitoring the university's discrimination and harassment prevention programs;
- 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

4

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).

The revised 2014 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. Tables 1 and 2 list particular publications, the publication’s audience, the individuals responsible for each publication, and the publication date.

Table 1 – INTERNAL DISSEMINATION OF UNIVERSITY PUBLICATIONS

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

Table 2 – EXTERNAL DISSEMINATION OF UNIVERSITY PUBLICATIONS

Publication	Responsibility	Time of Publication
EEO/AA Policy Statement (included on material and advertisements for students, staff, and faculty)	Provost, Deans 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

Section**5****Equal Employment Opportunity for
Individuals with Disabilities and
Protected Veterans**

It is the policy of NC State University (NC State) not to discriminate against any employee or applicant for employment because he or she is a person with a disability or a protected veteran, (i.e., disabled veteran, Armed Forces service medal veteran, recently separated veteran, or other veteran who served during a war, or in a campaign or expedition for which a campaign badge has been authorized). It is also the policy of NC State to take affirmative action to employ and to advance in employment, all persons regardless of their status as individuals with disabilities or protected veterans, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment advertising, hiring, upgrading, promotion, transfer, demotion, reduction in force, recall, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship, at all levels of employment.

Employees and applicants for employment at NC State will not be subject to harassment on the basis of disability or status as a protected veteran. Additionally, retaliation, including intimidation, threats, or coercion, because an employee or applicant has objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation, or hearing or have otherwise sought to obtain their legal rights under any Federal, State, or local EEO law regarding individuals with disabilities or protected veterans is prohibited.

For purposes of this policy, a 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 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.

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 Individuals with Disabilities and Protected Veterans

The University agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified protected veterans and individuals with disabilities and 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..

In furtherance of NC State's policy regarding Affirmative Action and Equal Employment Opportunity, NC State has developed a written Affirmative Action Program which sets forth the policies, practices and procedures that NC State is committed to in order to ensure that its policy of nondiscrimination and affirmative action for qualified individuals with disabilities and qualified protected veterans is accomplished. NC State University's administration believes that this policy meets the requirements of the Rehabilitation Act of 1973 as amended and 41 CFR, Part 60-741.

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.

Review of Personnel Processes

NC State periodically reviews its personnel processes to determine whether its present procedures assure careful, thorough and systematic consideration of the qualifications of known individuals with disabilities and protected veterans. This review covers all procedures related to the filling of job vacancies either by hire or by promotion.

In determining the qualifications of veterans, NC State limits its consideration of a protected veteran's military record, including discharge papers, to only that portion of the record, which is relevant to the specific job qualifications for which the veteran is being considered.

Based upon NC State's review of its personnel processes, the institution will modify its personnel processes when necessary, and will include the development of new procedures in this Affirmative Action Program to ensure equal employment opportunity. To date, no modifications have been necessary.

Review of Physical and Mental Job Qualification Standards

The physical and mental job qualifications of all jobs were reviewed during calendar year 2009 to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals

with disabilities and qualified disabled veterans, job qualifications are consistent with business necessity and the safe performance of the job.

No qualification requirements were identified that are likely to have an adverse screening effect. All job qualification requirements were found to be job-related and consistent with business necessity and safety.

NC State will continue to review physical and mental job qualification requirements whenever a job is vacated and the intent is to fill the position through either hiring or promotion.

No pre-employment physical examinations or questionnaires are used by NC State in the hiring process.

If at any time in the future, NC State should inquire into an employee's physical or mental condition or should conduct a medical examination, NC State affirms that such inquiries or exams will be conducted in accordance with the Section 503 regulations and that information obtained as a result of the inquiry or exam will be kept confidential, except as otherwise provided for in the Section 503 regulations. The results of the examination or inquiry will only be used in accordance with the Section 503 Regulations.

Reasonable Accommodation to Limitations Due to Disability

NC State commits to making reasonable accommodation to the known physical or mental limitations of qualified individuals with disabilities and qualified disabled veterans, unless such accommodation would impose an undue hardship on the conduct of its business. NC State also commits to engaging in an interactive process with the person requesting the accommodation (or their representative), as needed, to determine an appropriate accommodation. Undue hardship will be determined by assessing whether the requested accommodation would cause significant difficulty or expense, as provided for in the Section 503 regulations.

Outreach, Positive Recruitment, and External Dissemination of Policy

It shall be the policy of NC State University to undertake appropriate outreach and positive recruitment activities such as those listed in the following paragraphs (1) through (8) of this section that are reasonably designed to effectively recruit qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans. It is not contemplated that the University will necessarily undertake all the activities listed in the following paragraphs (1) through (7) of this section or that its activities will be limited to those listed. The scope of the University's efforts shall depend upon all the circumstances, including its size and resources and the extent to which existing employment practices are adequate.

(1) NC State University will enlist the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for, qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans, to fulfill its commitment to provide meaningful employment opportunities to such veterans:

- (i) The Local Veterans' Employment Representative or his or her designee in the local employment service office nearest the University's physical location;
 - (ii) The Department of Veterans Affairs Regional Office nearest the University's physical location establishment;
 - (iii) The veterans' counselors and coordinators ("Vet-Reps") on the University's campus;
 - (iv) The service officers of the national veterans' groups active in the area; and
 - (v) Local veterans' groups and veterans' service centers nearest the University's physical location.
- (2) Information regarding job opportunities and employment procedures will be provided to representatives from various recruiting sources. As an integral part of this effort, the University will provide information regarding current job openings, job requirements, explanations of the University's online application processes, and available recruiting literature. The University will provide feedback on the disposition of applications to candidates via its online system. Candidates who are interviewed should also receive written notification of their final status.
- (3) The University's employee recruitment activities will incorporate efforts to reach students who are special disabled veterans, veterans of the Vietnam era, recently separated veterans, or other protected veterans. In addition, efforts will be made to participate in work-study programs with Department of Veterans Affairs' rehabilitation facilities which specialize in training or educating disabled veterans.
- (4) The University will establish meaningful contacts with appropriate veterans' service organizations which serve special disabled veterans, veterans of the Vietnam era, recently separated veterans, or other protected veterans for such purposes as advice, technical assistance, and referral of potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training and accommodations the University may undertake; but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of the university's affirmative action programs.
- (5) Special disabled veterans, veterans of the Vietnam era, and other protected veterans employed by the University will be allowed to participate in career days, youth motivation programs, and related activities in their communities, if they desire to do so.
- (6) The University will send written notification of its policy governing special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans to all subcontractors, vendors and suppliers, requesting appropriate action on their part.
- (7) The University will take positive steps to attract qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for Vietnam era veterans, veterans with disabilities, recently separated veterans, and other protected veterans.

(8) The University, making hiring decisions, will consider applicants who are known special disabled veterans, veterans of the Vietnam era, recently separated veterans, or other protected veterans for available positions for which they apply.

Internal Dissemination of Policy

In order to encourage employee cooperation and participation in the effort to engage in affirmative action efforts to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans, the University will develop internal procedures such as those listed in the following paragraph. It is not contemplated that the University will necessarily undertake all the activities listed in this section or that its activities will be limited to those listed. These procedures shall be designed to foster understanding, acceptance and support among the University's executive, managerial, supervisory and other employees and to encourage such persons to take the necessary actions to aid the university in meeting this obligation. The scope of the University's efforts will depend upon all the circumstances, including its contractor's size and resources and the extent to which existing practices are adequate.

The University will implement and disseminate this policy internally as follows:

- (i) Include it in the University EEO/Affirmative Action policy;
- (ii) Inform employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans. The University will periodically inform of the policy;
- (iii) Publicize it in the University's internal communications, annual report and other relevant media;
- (iv) Inform executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's expectations;
- (v) Discuss the policy thoroughly in relevant management training programs;
- (vi) Meet with employee representatives (Faculty and Staff Senates) to inform them of the University's policy, and request their cooperation;
- (vii) Include articles on accomplishments of special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans in University publications when appropriate; and
- (viii) Include special disabled veterans, when employees are featured in various media or other University publications intended for employee readership.

Audit and Reporting System

The University has designed and implemented an audit and reporting system that will:

- (i) Measure the effectiveness of the University's affirmative action program;
- (ii) Indicate any need for remedial action;
- (iii) Determine the degree to which the University's objectives have been attained; and
- (v) Measure the University's compliance with the affirmative action program's specific obligations.

Where the affirmative action program is found to be deficient, the University will undertake necessary action to bring the program into compliance.

Responsibility for Implementation

Joanne G. Woodard, Vice Provost for Institutional Equity and Diversity has been assigned responsibility for implementation of the University's affirmative action activities under this part. Her identity will appear on all internal and external communications regarding the University's affirmative action program. Vice Provost Woodard has been given necessary top management support and staff to manage the implementation of this program.

Section**6**

Equal Employment Opportunity Planning

Composition of the NC State University Job Groups

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 major job groups:

1. Executive, Administrative, and Managerial (EPA/SAAO)
2. EPA Faculty
3. EPA Non-Faculty
4. SPA Personnel (including state employees classified as County Operations Staff, or COS)

SPA Employees

SPA Employees are those in positions that are subject to the provisions of the State Human Resources Act (formerly the State Personnel Act). 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 job groups used for SPA employees for affirmative action planning purposes are:

- Administrators
- Accounting/Audit Professionals
- IT Managers
- IT Professionals
- Facilities Professionals
- HR Professionals
- External Affairs/Communication Professionals
- Other Professionals
- Health Science Technicians
- Technology Paraprofessionals
- Research Technicians
- Other Technicians/Paraprofessionals
- Office Support Supervisors/Leads
- Clerks/Operators
- Other Secretarial/Clerical Workers
- Skilled Craft Workers
- Service Maintenance Workers

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:

- 2010 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 Employees

EPA positions are those that are considered exempt from most provisions of the State Human Resources Act (formerly the State Personnel Act).

Faculty Availability

For academic positions, the labor market is considered nationally. The source for availability estimates for most faculty positions is the *2006-2009 NORC 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 2010 U.S. Census data and/or the *NORC Survey of Earned Doctorates* (2006-2009).

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**7**

Equal Employment Opportunity Program Recruitment

SPA Employees

Human Resources has administrative responsibility for overseeing the processes for recruitment and hiring. Additionally for SPA employees, Human Resources oversees transfer, promotion, reassignment, demotion actions, and reduction-in-force. 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 in Human Resources 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 electronic and print newspapers, occupation-specific publications, professional journals, professional association newsletters, internet sites, and job boards.

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;
- participating in career/job fairs
- regular contacts with community organizations supporting minorities, women, veterans, and persons with disabilities;

- sharing of job opening announcements with the Office of State Human Resources (OSHR) and the State Division of Employment Security (DES);
- sharing of job openings through professional and trade networks and associations;
- having job opening information available in Human Resources;
- posting of vacant positions on the internet to including NC State's website <https://jobs.ncsu.edu>, <http://www.monster.com> and other sites as relevant.
- SPA positions that are in a category evidencing underrepresentation of one or more protected classes must be posted externally and cannot be limited to internal candidates.

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, a Human Resources Consultant advises the hiring official on recruitment, screening, and selection activities and posts the position. Vacancies must remain open at least five workdays after being posted.

Some vacancies are initially available only to current NC State SPA employees and are posted as "Internal Transfers Only". Positions targeted to meet affirmative action goals must be posted externally.

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 serious 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 HR-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. 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

Career Status 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 may be several possible return-to-work situations. Re-employment is primarily based on the extent of the employee's medical improvement. If priority re-employment referrals are involved, the HR Consultant in collaboration with the University Leave Administrator 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 online I-9 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 tests (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 final candidate identified, the department submits an online Hiring Proposal to their Unit Equity Officer. If approved, the Officer forwards the request to Employment Services. A Human Resources Consultant 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 Human Resources (OSHR) and the University of North Carolina (UNC) General Administration are responsible for maintaining the Career Banding Classification System (used by UNC System institutions only) that includes: the occupational categories, career band job titles, and the associated pay ranges for each SPA career band. Although OSHR exercises overall state-wide authority of the system, the Classification NC State Human Resources Division administers the Career Banding System at the University under a Delegated Authority Agreement with OSHR. The agreement includes responsibility, accountability, and authority to manage classification and compensation. Career Banding is a classification and compensation system that is competency and market-based. The system assigns supervisors and managers the responsibility 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 an employee/position, identifying the necessary competencies, skills and abilities for performing the job, and determining if and when there is a need for any change in job duties.

OSHR policy requires that supervisors prepare a Career Banding Job Description and submit to Human Resources in order to establish each new position and/or to document changes in job duties for existing positions. Job descriptions are submitted electronically through the position management and applicant tracking system, PeopleAdmin7. PA7 is the electronic system used to maintain, review and process classification and compensation actions. A Human Resources Consultant reviews the job description and consults with departmental representatives, and/or the

respective employees and supervisors as appropriate, in order to obtain clarification of job responsibilities and required and/or demonstrated competencies. Once the review is complete, the Human Resources Consultant classifies the position by assigning it to the appropriate career band/title, level, and the corresponding pay range. The decision is based on the job duties, required competencies, and a comparison to the applicable career banding job competency profile and comparable positions at the university.

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 submitting a request to Human Resources to determine if there is justification for a career band change or competency level change that may support 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 OSHR for classification and compensation 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 encouraged to develop themselves, but also facilitate professional development, training and educational opportunities for their employees and to be active in helping employees to select development opportunities 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);
- 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, professional development (online and classroom based), and related 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 Equity Officers and other officials involved with the employment process.

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

- **TRAINING IN SPECIAL PROJECTS ADMINISTRATION (T-PSA)** – This training program teaches staff, faculty, and leadership in the art of managing externally sponsored research and scholarly endeavors. The measurement of success will be in the competence expressed in daily decision-making, recognition of program completion through internal certification, and achieving a high success rate in national certification of campus research administrators.
- **RAMP – RESEARCH ADMINISTRATION MANAGEMENT PROGRAM** – An online 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 individual 1-on-1 management coaching, leadership development, open enrollment offerings, leadership and policy certificate programs, customized training sessions, and organizational development initiative are designed to develop new skills and abilities, foster career growth and help individuals and work teams be more effective personally and professionally.
- **PATHWAYS LEADERSHIP PROGRAM** – Designed for high performing individuals, emerging and team leaders, and program/project managers. Based on Jim Kouzes and Barry Posner's leadership principle: "Leadership development is self-development," Pathways is a two-semester program designed to enhance interpersonal effectiveness and leadership propensity. Program components align with Kouzes' and Posner's, "Five Practices of Exemplary Leadership". They identified that extraordinary leaders, whether in formal or informal positions, demonstrate the following five practices: Modeling the Way; Inspiring a Shared Vision; Challenging the Process; Enabling Others to Act; and Encouraging the Heart.
- **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 with a manager and supervisor path that showcases 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 Employee Recognition Programs, Workplace Violence Prevention, Introduction to Supervision, PeopleSoft Query, Processing Pay in Time and Labor, and other HR related topics.

- **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.
- **SKILLPORT ONLINE PROFESSIONAL DEVELOPMENT**
As part of NC State’s ongoing commitment to employee development HR has introduced a web-based learning initiative that can be accessed from the convenience of one’s desktop computer. This new program currently in its pilot running, SkillPort, is a developmental tool that faculty and staff can utilize at their own pace. The goal is to support employee professional development through innovative online learning that can be accessed 24 hours a day, 7 days a week. With the new online learning program, employees can access a diverse library of content. These courses cover a wide variety of subject matter in order to meet the various training needs of all our employees—from highly technical topics to software application instruction to business skills development. These courses, and associated components, can be used as reference tools to help answer day-to-day on-the-job questions or as part of personal development.
- **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** – NC State permits the waiver of tuition for eligible full-time faculty and staff for up to two (2) courses per academic year, provided that such enrollment does not interfere with the employee's normal employment obligations. Employees can use both waivers in the Fall and/or Spring semester; however, can only use one waiver during the summer sessions. More information can be found at <http://www.fis.ncsu.edu/cashier/employees/default.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 (Academic and Student Affairs) that initiate faculty appointments, promotions

and 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 academic 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 Foreign Languages and Literatures 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 faculty 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 30th 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 Equity 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.

Salary equity studies are conducted by the Office of Institutional Research & Planning (at the direction of the Provost), typically every three years. The intention of the salary equity study is to help identify potential adverse situations and bring them to the attention of the deans and department heads for special consideration. Previous salary data analyses conducted in 2001, 2004, and 2007 revealed faculty salary inequities based upon race and gender. The most recent study conducted in 2013 did not find overall inequity campus-wide, but did show some issues in specific colleges.

Where apparent differentials exist, the administrators then must justify them on the basis of criteria like relative performance, academic credentials/highest degree earned, or time in rank; otherwise 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: usually up to 12 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 Equity 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 Employees

The management of employee performance is 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 and accountability;
- 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 identifying key responsibilities and performance 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. In addition, supervisors are expected to provide a modified SPA Workplan whereupon there have been significant changes in the job duties

in a position, or the employee demonstrates increased or new relevant competencies that have warranted a change in the classification. During the middle of the work cycle supervisors 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.

Career State Employees who have received an overall performance rating of less than “meets expectations or equivalent as defined in the Performance Management Policy may file a grievance in accordance with the UNC SPA Grievance Policy. Resolutions of such cases are not appealable beyond the University.

EPA Employees

NC State University requires that EPA employees receive an annual review (REG 05.20.03: Annual Reviews of Faculty Members and REG 05.25.06: EPA Non-Faculty Employee Reviews and Appeals). 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 members 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 Employees

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 adheres to The University of North Carolina SPA Grievance Policy for the fair, orderly, and prompt resolution of work related grievable issues. This procedure is utilized for the resolution of eligible job-related complaints and grievances.

A current or former career state employee may utilize this procedure to appeal an action alleging the following at the University level only:

- a) Overall performance rating of less than “meets expectations” or equivalent as defined in the Performance Management Policy,
- b) Denial of request to remove inaccurate and misleading information from personnel or applicant file (excludes the contents of a performance appraisal and written disciplinary action), or
- c) Items covered in the University’s AA/EEO statement which promote inclusion and diversity, but not within the definition of unlawful discrimination, harassment, or retaliation as contained in NCGS 126-34.02 (b) (1) and (2).

A probationary or former probationary state employee, or an applicant for University employment (initial Hire, promotion, or reemployment) may utilize this procedure to appeal an action alleging the following at the University level only:

- a) Denial of request to remove inaccurate and misleading information from personnel or applicant file (excludes the contents of a performance appraisal and written disciplinary action), or
- b) Items covered in the University's AA/EEO statement which promote inclusion and diversity, but not within the definition of unlawful discrimination, harassment, or retaliation as contained in NCGS 126-34.02 (b) (1) and (2).

The following issues must be grieved first through the University process. If the Grievant is not satisfied with the Final University Decision, the Grievant may appeal to the Office of Administrative Hearings.

A current or former career state employee may file internally first for the following:

- a) Dismissal, demotion or suspension without pay for disciplinary reasons without just cause,
- b) Involuntary non-disciplinary separation due to unavailability,
- c) All issues listed below which are grievable by a probationary or former probationary employee,
- d) All issues listed below which are grievable by an applicant for University employment,
- e) Denial of reemployment or hiring due to denial of reduction-in-force priority as required by law (G.S. 126-7.1), or
- f) Denial of promotional opportunity due to failure to give priority consideration for promotion to a Career State employee as required by law (GS 126-7.1).

A probationary or former probationary state employee may file internally first for the following:

- a) Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law),
- b) Denial of veteran's preference as provided for by law,
- c) Any retaliatory personnel action for reporting improper government activities ("whistle blower") as contained in GS 126,
- d) Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been discriminated against in the terms and conditions of employment, or
- e) Retaliation against an employee for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been retaliated against in the terms and conditions of employment.

An applicant for University employment (initial Hire, promotion, or reemployment) may file internally first for the following:

- a) Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law),
- b) Denial of veteran's preference as provided for by law,
- c) Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, political affiliation, if the applicant believes that he or she has been discriminated against in his or her application for employment, or
- d) Retaliation for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the applicant believes that he or she has been retaliated against in his or her application of employment.

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.

*Note: The Grievance Procedure was amended under state law in 2014.

EPA Employees

The purpose of Policy 05.25.03: 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 REG 05.10.01: 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 is a structures process that allows parties to voluntarily discuss problems and attempt to generate mutually satisfactory resolutions; 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 hearing or legal actions.

In accordance with the Review and Appeal Process, the Director of Employee Relations will promptly review written requests for review to determine if the matter falls within the scope of this policy and to determine if it is timely. If the matter is reviewable, the Director will provide the employee and the department with a set of established procedures that describe the detailed logistics, action steps, and timelines for the review process. If the matter is not reviewable, the Director will provide both parties with written notice of the determination, and the matter is closed.

The Review and Appeal Process for EPA professionals cannot be used for concerns over general organizational issues or actions that are not reviewable through the Review hearing process, but consideration of such issues 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>.

SPA Disciplinary Process

The University administers an SPA Successive Discipline procedure (REG 05.70.01) for SPA career status employees for whom 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, age, political affiliation, national origin, disability, genetic information or sexual orientation. All disciplinary actions are subject to the approval of the appropriate administrators and the Associate

Vice Chancellor for Human Resources who has delegated this to the Director of Employee Relations.

This policy provides employees and management with a process for correcting and improving performance problems and for 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 with career status 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 disciplinary actions provided under this policy are:

- written warning;
- disciplinary suspension without pay;
- demotion; or
- dismissal.

Transfer and Separation

SPA Transfer

To promote employee career mobility, the University encourages departments to consider internal employees for vacant SPA positions. Transfers within the same department may occur at any time. Transfer candidates must apply for specific vacancies. SPA employees who achieved career status are entitled to certain priority consideration.

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.

SPA 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, e.g., 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, e.g. 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, e.g., 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. Reduction in force (RIF) as specified for Career Status SPA in section 9 of this Plan
6. Death

EPA At Will Appointments and Exit Interviews

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) is 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 or the payment of severance pay for 30 days; 2) during the second and third years of service, not less than 60 days notice prior to discontinuation of employment or the payment of severance pay for 60 days; and 3) during the fourth and all subsequent years of service, not less than 90 days notice prior to discontinuation of employment or the payment of severance pay for 90 days.

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 of the Employees Exempt from the State Personnel Act (EPA) Policy (POL 05.15.01). 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 a term of more than one year but less than four years, notice of intent not to renew or extend shall be transmitted in writing at least 60 days prior to the expiration date of the term; (3) with respect to a term of four years or more, notice of intent not to renew or extend shall be transmitted in writing at least 90 days prior to the expiration of the date of the term. Failure to provide the required 60 or 90 days written notice shall result in the automatic extension of employment for a period that would equal the applicable 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 (POL 05.15.01, Section 3.1), expiration of a fixed-term appointment (POL 05.15.01, Section 3.2) and termination of employment because of financial exigency or program curtailment or elimination (POL 05.15.01, Section 3.3). Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or other 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 an 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. Upon request, quarterly reports of the trends and themes may be provided to the Dean of Colleges and Vice Chancellors of Divisions.

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.

Permanent, full-time employees are eligible for:

- **Leave**

- annual leave
- civil leave
- military leave
- family illness leave
- family medical leave
- sick leave
- shared leave
- educational leave
- community service leave

- **Health Insurance**

- **Contributory Retirement System**

- Teachers' and State Employees' Retirement System (TSERS), or
UNC Optional Retirement Plan (ORP)

- **Employee Tuition Waiver**

- **Death Benefit (TSERS' participants only)**

- **Optional Insurance Plans**

- dental insurance

vision insurance
life insurance
supplemental disability income insurance
accidental death and dismemberment insurance
automobile and home owners insurance
cancer insurance

- **Disability Income Plan of NC**
- **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>

Discrimination and Harassment Prevention Plan

Section 8

Objectives

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

- Provide education and training to current and new employees regarding discrimination and 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. Over time, these responsibilities have been restructured into the Equal Opportunity and Equity section of the Office for Institutional Equity and Diversity. This Associate Vice Provost for Equal Opportunity and Equity has been delegated responsibility by the Vice Provost for Institutional Equity and Diversity (University Equal Opportunity Officer) for implementation of policy on unlawful discrimination and 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://oied.ncsu.edu/dhpr/>).

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

Confidential crisis intervention and referral counseling is available through the NC State University's Faculty & Staff Assistance Program (FASAP). FASAP is a university-sponsored program that provides support, resources, and information for personal and work-life issues. The FASAP Program is confidential and provided at no charge to employees and their dependents.

Policies and Procedures

Policies

1. POLICY STATEMENT

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. North Carolina State University ("NC State") strives to build and maintain an environment that supports and rewards individuals on the basis of relevant factors such as ability, merit and performance. Accordingly, NC State engages in equal opportunity and affirmative action efforts, and prohibits discrimination, harassment, and retaliation, as defined by this policy.

2. DEFINITIONS

For purposes of this policy, the following definitions apply:

2.1 Discrimination is unfavorable treatment with regard to a term or condition of employment, or participation in an academic program or activity based upon age (40 or

older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status. Discrimination includes the denial of a request for a reasonable accommodation based upon disability or religion.

2.2 Harassment is any unwelcome conduct based upon age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status that either creates a quid pro quo situation or a hostile environment.

*Note: Incidents of sexual violence may constitute sexual Harassment.

2.2.1 Quid Pro Quo Harassment occurs when submission to, or rejection of, unwelcome conduct (e.g., sexual advances, requests for sexual favors) by an individual is used as the basis for an employment decision (for employees); or education decision (for students). It can also occur when an individual believes that he or she must submit to the unwelcome conduct in order to avoid an adverse employment action or to secure a promotion (for employees) or to participate in school program or activity (for students).

*Note: Though Quid Pro Quo Harassment typically involves conduct of a sexual nature, it can also result from unwelcome conduct of a religious nature. For example, a supervisor offers a subordinate employee a promotion if the employee joins the supervisor's religion.

2.2.2 Hostile Environment Harassment occurs when unwelcome conduct based upon an individual's age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation or veteran status is sufficiently severe or pervasive to:

(For Students):

- deny or limit a student's ability to participate in or benefit from NC State's programs or activities; or
- create an intimidating, threatening or abusive educational environment.

(For Employees):

- create an intimidating, hostile or offensive working environment.

A Hostile Environment is determined by looking at whether the conduct is objectively offensive (i.e., a reasonable person would find it to be) and subjectively offensive (i.e., the person who is the object of the unwelcome conduct finds it to be).

All relevant circumstances are examined as part of this determination, including but not limited to, the type of Harassment (e.g. whether verbal, physical, electronic); the frequency of the conduct, the severity of the conduct, the protected group status and relationship of the individuals involved, whether the conduct was physically threatening or humiliating, whether the conduct unreasonably interfered with work performance (for employees) or academic performance (for students). When sufficiently severe, a single instance of unwelcome conduct (e.g., sexual assault) may constitute Hostile Environment Harassment.

2.3 Retaliation is any adverse action (including intimidation, threats or coercion) against an individual because that individual engaged in a protected activity.

2.4 Protected activity includes:

- opposing a practice believed to be a violation of this policy;
- participating in an investigation, proceeding or hearing involving a violation of this policy; or
- requesting a reasonable accommodation based on disability or religion.

3. COMPLAINTS

NC State will promptly, thoroughly and impartially respond to all complaints of Discrimination, Harassment and Retaliation.

Any individual with a complaint of Discrimination, Harassment or Retaliation should follow NCSU REG 04.25.02 (Discrimination, Harassment and Retaliation Complaint Procedure).

4. POLICY VIOLATIONS and CORRECTIVE MEASURES

Substantiated instances of Discrimination, Harassment and Retaliation, as defined above, are violations of this policy and will not be tolerated by NC State.

Appropriate corrective measures will be instituted for violations of this policy. Such corrective measures will be designed to stop the Discrimination, Harassment and/or Retaliation and to prevent future violations. Corrective measures may involve disciplinary action up to and including expulsion (for students) or discharge (for employees).

Disciplinary action for a violation of this policy will be the responsibility of the Office of Student Conduct (for students) and appropriate administrator (i.e. vice chancellor, dean, director, supervisor, etc.) (for employees), in accordance with applicable disciplinary procedures for students or employees.

5. AFFIRMATIVE ACTION

In addition to prohibiting Discrimination, Harassment and Retaliation, NC State works toward the full realization of equal opportunity through a continuing affirmative action program, in compliance with applicable federal and state laws.

Development of the university's affirmative action plan, called the Equal Employment Opportunity Plan (EEO Plan) at NC State, is assigned to the Vice Provost for Institutional Equity and Diversity, who serves as the university's Affirmative Action Officer.

The head of each administrative/academic unit identified in the EEO Plan, and subunits as identified by the Affirmative Action Officer, shall be responsible for working with the Affirmative Action Officer to implement the requirements of the EEO Plan.

6. STATEMENT FOR PROGRAMS/PUBLICITY

The following statement may be used for programmatic or publicity purposes at NC State:

NC State University promotes equal opportunity and prohibits discrimination and harassment based upon one's age, color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation and veteran status.

7. RESOURCES

Questions concerning this policy may be referred to the Office for Institutional Equity & Diversity.

Resolution Procedures

1. **SPA Employees:** SPA employees alleging unlawful discrimination or harassment and wish to file through the SPA Employee Grievance Policy must contact the Division of Human Resources within 15 calendar days of the alleged discriminatory, harassment, or retaliatory act and complete a *SPA Grievance Initial Filing Form*. A Human Resources representative will review the initial filing form for eligibility and based upon the type of grievance will route to the Office for Institutional Equity and Diversity (OIED) in order to conduct the EEO Informal Inquiry. The informal Inquiry should be completed within 45 calendar days and may be extended to a total of 60 calendar days with the written agreement of both parties.

The grievant will be provided with a written response from the OIED office regarding the findings from their review. If the grievant is not satisfied with the findings or resolution, they will then have 15 calendar days from the date they received the written response to submit an SPA Grievance Supplemental Filing form to proceed with the grievance process. This will commence with the Step 1 Mediation in the formal SPA Employee Grievance process.

Step One - Mediation: Mediation provides the grievant and the University Respondent an opportunity to openly discuss the grievance in a neutral environment with the goal of reaching a mutually acceptable resolution.

The Mediation is to be concluded within 35 calendar days of Human Resources receiving the SPA Grievance Supplemental Filing form. All documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.

If an agreement is reached through the Step 1 Mediation Process, both parties will sign a Mediation Agreement that states the terms of the agreement and is a legally binding document.

If an agreement is not reached as a result of an impasse, both parties will sign the notice of impasse stating the mediation did not result in an agreement. Additionally serves as notice to the grievant if they wish to proceed to Step 2 of the formal grievance process

they will have 5 calendar days to contact the Human Resources office in order to proceed.

Step Two - Hearing: Step Two is a hearing before an SPA grievance panel. The panel consists of 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 manager will designate a chair of the grievance panel, set the date, time and place of the hearing, and the agenda of the hearing. 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 Chancellor's designee, the vice Chancellor for Finance and Business.

The findings and recommendations of the panel will be considered in the drafting of the Final Agency Decision (FUD) to be routed to the Director of the Office of State Human Resources(OSHR).

The University shall consider any input received from the Director of OSHR and issue its FUD to the grievant in writing within the defined 90 calendar days from the SPA Supplemental Filing form. The FUD shall not be issued or become final until reviewed and approved by the OSHR.

Further Appeals: The Final University Decision shall inform the grievant in writing of any appeal rights through the Office of Administrative Hearings (OAH). The OAH appeal must be filing with 30 calendar days of receipt or last attempted delivery of the FUD.

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).

2. **EPA and ALL OTHER EMPLOYEES (including SPA who may not be eligible under or wish to file a formal SPA Employee Grievance)**

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, or OSC) 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.

1. 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.

2. RETALIATION

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

3. 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 Office for Institutional Equity and Diversity in determining appropriate steps toward resolution.

Dissemination of Policy and Related Materials

- 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

- 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

- 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

- 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

- 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

- 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

Evaluation

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

Section**9****Reduction-in-Force Guidelines**

The Reduction-in-Force (RIF) 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 separated from employment without following the Reduction-in-Force procedures. A reduction-in-force decision is made only after measures including but not limited to a hiring freeze on or abolishment of vacant positions, limits on purchasing and travel, job sharing, and work schedule alterations have been considered.

A reduction-in-force might be necessary because of lack of work, state budget cuts, 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 appropriate administrator determines priority for reduction-in-force within the following guidelines:

- A temporary employee working against a vacant permanent SPA position must not be retained when a permanent SPA employee in the same banded class (or equivalent) in the department is subject to a RIF, provided that the permanent employee is qualified and can be reassigned to perform the job duties of the position being filled by the temporary employee.;
- Employees with probationary appointments as well as trainees who have not achieved career status 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 non-career status employee or trainee;
- Consideration for reduction in force of permanent employees includes, but is not limited to, the following factors:
 - Which positions are most vital to the department in the delivery of services
 - Relative skills, knowledge, efficiency, and productivity of employees
 - Consideration of equal employment factors to avoid adverse impact

- Length of service of employees (but not seniority-driven)
- Appointment Type
- 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.

Prior to the actual separation of any employee for purposes of reduction-in-force, the appropriate administrator 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 endorsement by Human Resources, the appropriate administrator provides the following information, in writing, to the employee(s) affected by the RIF.

- 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 Employee Grievance Policy; and
- notification that in order to be advantaged by re-employment processes, the employee must follow required application procedures.

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

Section 10

Statistical Analyses

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

➤ EPA & SPA Job Group Analysis as of September 30, 2014

- ❖ Job Group Analysis Summary
- ❖ Availability Analyses
- ❖ Incumbency v. Estimated Availability Analysis
- ❖ 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). Because the reporting of race and gender is voluntary, there has been an increase in the number of people who do not choose to report.

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. In addition, some job groups have been divided into smaller, more appropriate categories for classification.

Effective in March 2014, the Office for Contract Compliance Programs (OFCCP) issued new guidance to qualifying federal contractors requiring additional reporting for protected veterans and persons with disabilities. Due to the plan cycle dates of the NC State EEO Plan, NC State began collecting data for protected veterans and persons with disability on October 1, 2014. This data will be included in the 2016 EEO Plan.

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.”
- 500 employees chose not to voluntarily provide their race and/or ethnicity.

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Job Group Analysis Summary – September 30, 2014

Job Group & Name	EEO Code		Min	Fem
1A - Top Executive Officers		#	0	0
2 Employees	1	%	0.00	0.00
1B - Senior Institutional & Chief Functional Officers		#	2	8
22 Employees	1	%	9.09	36.36
1C - Institutional Administrators		#	4	1
29 Employees	1	%	13.79	48.28
1D - Heads of Academic Divisions, Depts & Centers		#	10	1
62 Employees	1	%	16.13	24.19
1E - Heads of Administrative Divisions, Depts & Centers		#	5	1
37 Employees	1	%	13.51	43.24
2A - Faculty / Corps of Instruction		#	340	591
1724 Employees	2	%	19.72	34.28
2B - Professionals with Academic Rank		#	26	138
273 Employees	3	%	9.52	50.55
3A - Administrative Unit Heads / Professionals		#	12	3
78 Employees	1	%	15.38	41.03
3B - Managers		#	1	1
2 Employees	3	%	50.00	50.00
3C - Administrative Professional Associates		#	4	2
24 Employees	3	%	16.67	91.67
4A - Academic Affairs Professionals		#	42	153
212 Employees	3	%	19.81	72.17
4B - Student Affairs Professionals		#	55	122
187 Employees	3	%	29.41	65.24
4C - Institutional Affairs Professionals		#	25	6
94 Employees	3	%	26.60	70.21
4D - Fiscal Affairs Professionals		#	59	157
207 Employees	3	%	28.50	75.85

Job Group Analysis Summary – September 30, 2014, continued

Job Group & Name	EEO Code		Min	Fem
4E - External Affairs & Communications Professionals		#	23	95
158 Employees	3	%	14.56	60.13
4F - Facilities Professionals		#	15	25
119 Employees	3	%	12.61	21.01
4G - Information Technology Professionals		#	85	121
469 Employees	3	%	18.12	25.80
4H - Research, Extension & Other Education Professional		#	163	461
897 Employees	3	%	18.17	51.39
4J - Health Science Professionals		#	4	38
46 Employees	3	%	8.70	82.61
4K - Environment Professionals		#	1	7
13 Employees	3	%	7.69	53.85
4L - Athletic Affairs Professionals		#	20	23
92 Employees	3	%	21.74	25.00
5A - Administrative / Office Support Managers		#	0	1
1 Employee	5	%	0.00	100.00
5B - Admin/ Office Support Supervisors, Leads, Staff		#	326	942
1088 Employees	5	%	29.96	86.58
6A - Institutional Tech / Paraprofessional		#	61	188
219 Employees	4	%	27.85	85.84
6B - Institutional Tech / Paraprofessional		#	28	33
133 Employees	4	%	21.05	24.81
6C - Institutional Tech / Paraprofessional		#	37	118
252 Employees	4	%	14.68	46.83
6E - Institutional Tech / Paraprofessional		#	7	55
64 Employees	4	%	10.94	85.94
6F - Institutional Tech / Paraprofessional		#	14	98
123 Employees	4	%	11.38	79.67
7A - Skilled Craft Supervisor		#	0	0
1 Employee	6	%	0.00	0.00
7B - Skilled Craftsperson		#	48	6
303 Employees	6	%	15.84	1.98

Job Group Analysis Summary – September 30, 2014, continued

Job Group & Name	EEO Code		Min	Fem
8A - Service / Maintenance Supervisor		#	5	8
36 Employees		7 %	13.89	22.22
8B - Service / Maintenance Supervisor		#	423	265
637 Employees		7 %	66.41	41.60
7604 Employees	Totals	#	1845	3819
		%	24.26	50.22

Note: HR records indicate that 500 employees elected not to disclose their race/ethnic identity and thus were excluded from the analysis.

Job Group Availability Analysis – September 30, 2014

Job Group: 1A Top Executives

North Carolina State University

2015 EEO Plan

NC State University

Availability Factor Computation Form

1A - Chancellor

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	19.04	42.73								United States
		Weighted Factor	14.28	32.05								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	5.26	36.84								Feeder Job Computations
		Weighted Factor	1.32	9.21								
Availability			15.60	41.26								

Job Group Availability Analysis – September 30, 2014

Job Group: 1B Senior Institutional and Chief Functional Officers

1B - Senior Institutional & Chief Functional Officers

Factor	Weight %	Min	Fem									Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	23.77	58.84								United States
		Weighted Factor	17.83	44.13								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	17.00	45.00								Feeder Job Computations
		Weighted Factor	4.25	11.25								
Availability			22.08	55.38								

Job Group: 1C Institutional Administrators

1C - Institutional Administrators

Factor	Weight %	Min	Fem									Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	24.11	59.33								United States
		Weighted Factor	18.08	44.50								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	15.00	45.00								Feeder Job Computations
		Weighted Factor	3.75	11.25								
Availability			21.83	55.75								

Job Group: 1D Heads of Academic Division, Departments, & Centers

1D - Heads of Academic Divisions, Depts & Centers

Factor	Weight %	Min	Fem									Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	24.64	63.41								United States
		Weighted Factor	18.48	47.56								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	20.66	30.61								Feeder Job Computations
		Weighted Factor	5.16	7.65								
Availability			23.65	55.21								

Job Group Availability Analysis – September 30, 2014

Job Group: 1E Heads of Administrative Division, Departments, & Centers

1E - Heads of Administrative Divisions, Depts & Centers

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	23.00	55.26							United States
		Weighted Factor	17.25	41.44							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	18.57	63.57							Feeder Job Computations
		Weighted Factor	4.64	15.89							
Availability			21.89	57.34							

Job Group: 2A Faculty/Corps of Instruction

2A - Faculty / Corps of Instruction

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	20.64	39.66							US PhD Grads 2006-2009 - NORC Survey
		Weighted Factor	15.48	29.74							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	19.45	50.28							Feeder Job Computations
		Weighted Factor	4.86	12.57							
Availability			20.34	42.32							

Job Group: 2B Professionals with Academic Rank

2B - Professionals with Academic Rank

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	22.29	57.34							United States
		Weighted Factor	16.72	43.00							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	12.73	43.64							Feeder Job Computations
		Weighted Factor	3.18	10.91							
Availability			19.90	53.92							

Job Group Availability Analysis – September 30, 2014

Job Group: 3A Administrative Unit Heads/Professionals

3A - Administrative Unit Heads / Professionals

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	22.83	52.82							United States
		Weighted Factor	17.12	39.62							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	17.65	45.59							Feeder Job Computations
		Weighted Factor	4.41	11.40							
Availability			21.53	51.02							

Job Group: 3B Managers

3B - Managers

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	18.76	29.02							United States
		Weighted Factor	14.07	21.76							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	0.00	0.00							Feeder Job Computations
		Weighted Factor	0.00	0.00							
Availability			14.07	21.77							

Job Group: 3C Administrative Professional Associates

3C - Administrative Professional Associates

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	22.39	34.45							United States
		Weighted Factor	16.79	25.84							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	16.67	91.67							Feeder Job Computations
		Weighted Factor	4.17	22.92							
Availability			20.96	48.76							

Job Group Availability Analysis – September 30, 2014

Job Group: 4A Academic Affairs Professionals

4A - Academic Affairs Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	25.26	70.30								United States
		Weighted Factor	18.94	52.72								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	19.23	72.53								Feeder Job Computations
		Weighted Factor	4.81	18.13								
Availability		23.76	70.86									

Job Group: 4B Student Affairs Professionals

4B - Student Affairs Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	25.37	62.61								United States
		Weighted Factor	19.03	46.96								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	19.23	72.53								Feeder Job Computations
		Weighted Factor	4.81	18.13								
Availability		23.84	65.09									

Job Group: 4C Institutional Affairs Professionals

4C - Institutional Affairs Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	27.01	61.03								United States
		Weighted Factor	20.26	45.77								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	26.09	69.57								Feeder Job Computations
		Weighted Factor	6.52	17.39								
Availability		26.78	63.16									

Job Group Availability Analysis – September 30, 2014

Job Group: 4D Fiscal Affairs Professionals

4D - Fiscal Affairs Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	27.89	62.84								5-County Recruitment Area
		Weighted Factor	20.92	47.13								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	27.27	75.57								Feeder Job Computations
		Weighted Factor	6.82	18.89								
Availability			27.74	66.02								

Job Group: 4E External Affairs & Communications Professionals

4E - External Affairs & Communications Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	22.62	66.05								United States
		Weighted Factor	16.96	49.54								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	14.48	60.69								Feeder Job Computations
		Weighted Factor	3.62	15.17								
Availability			20.59	64.71								

Job Group: 4F Facilities Professionals

4F - Facilities Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	17.89	34.33								5-County Recruitment Area
		Weighted Factor	13.42	25.75								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	13.64	20.91								Feeder Job Computations
		Weighted Factor	3.41	5.23								
Availability			16.83	30.98								

Job Group Availability Analysis – September 30, 2014

Job Group: 4G Information Technology Professionals

4G - Information Technology Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	23.51	27.77								5-County Recruitment Area
		Weighted Factor	17.63	20.83								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	20.06	27.16								Feeder Job Computations
		Weighted Factor	5.02	6.79								
Availability			22.65	27.62								

Job Group: 4H Research, Extension, and Other Education Professionals

4H - Research, Extension & Other Education Professional

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	25.13	53.69								United States
		Weighted Factor	18.85	40.27								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	20.06	27.16								Feeder Job Computations
		Weighted Factor	5.02	6.79								
Availability			23.87	47.06								

Job Group: 4J Health Science Professionals

4J - Health Science Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	24.18	63.68								United States
		Weighted Factor	18.14	47.76								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	9.09	81.82								Feeder Job Computations
		Weighted Factor	2.27	20.46								
Availability			20.41	68.22								

Job Group Availability Analysis – September 30, 2014

Job Group: 4K Environment Professionals

4K - Environment Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	20.62	37.81								United States
		Weighted Factor	15.46	28.36								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	8.33	50.00								Feeder Job Computations
		Weighted Factor	2.08	12.50								
Availability			17.55	40.86								

Job Group: 4L Athletic Affairs Professionals

4L - Athletic Affairs Professionals

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	21.65	38.24								United States
		Weighted Factor	16.24	28.68								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	21.98	25.27								Feeder Job Computations
		Weighted Factor	5.50	6.32								
Availability			21.74	35.00								

Job Group: 5A Administrative/Office Support Managers

5A - Administrative / Office Support Managers

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	30.05	68.54								5-County Recruitment Area
		Weighted Factor	22.54	51.40								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	29.76	86.75								Feeder Job Computations
		Weighted Factor	7.44	21.69								
Availability			29.98	73.10								

Job Group Availability Analysis – September 30, 2014

Job Group: 5B Admin/Office Support supervisors, Leads Staff

5B - Admin/ Office Support Supervisors, Leads, Staff

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	34.62	82.42								5-County Recruitment Area
		Weighted Factor	25.96	61.82								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	29.79	86.74								Feeder Job Computations
		Weighted Factor	7.45	21.68								
Availability			33.42	83.51								

Job Group: 6A Institutional Tech/Paraprofessional

6A - Institutional Tech / Paraprofessional

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	24.10	70.84								United States
		Weighted Factor	18.08	53.13								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	28.64	86.38								Feeder Job Computations
		Weighted Factor	7.16	21.60								
Availability			25.24	74.73								

Job Group: 6B Technology Tech/Paraprofessional

6B - Institutional Tech / Paraprofessional

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	27.03	21.91								United States
		Weighted Factor	20.27	16.43								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	18.85	24.59								Feeder Job Computations
		Weighted Factor	4.71	6.15								
Availability			24.98	22.58								

Job Group Availability Analysis – September 30, 2014

Job Group: 6C Research Lab Tech/Paraprofessional

6C - Institutional Tech / Paraprofessional

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	30.46	48.79							United States
		Weighted Factor	22.84	36.59							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	14.46	46.18							Feeder Job Computations
		Weighted Factor	3.62	11.54							
Availability		26.47	48.14								

Job Group: 6E Health Science Tech/Paraprofessional

6E - Institutional Tech / Paraprofessional

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	38.96	86.27							United States
		Weighted Factor	29.22	64.70							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	11.11	87.30							Feeder Job Computations
		Weighted Factor	2.78	21.82							
Availability		32.00	86.53								

Job Group: 6F Environment Tech/Paraprofessional

6F - Institutional Tech / Paraprofessional

Factor	Weight %	Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	17.72	70.36							United States
		Weighted Factor	13.29	52.77							
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	11.38	79.67							Feeder Job Computations
		Weighted Factor	2.84	19.92							
Availability		16.14	72.69								

Job Group Availability Analysis – September 30, 2014

Job Group: 7A Skilled Craft Supervisor

7A - Skilled Craft Supervisor

Factor	Weight %		Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	48.17	16.40								5-County Recruitment Area
		Weighted Factor	36.13	12.30								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	72.64	46.47								Feeder Job Computations
		Weighted Factor	18.16	11.37								
		Availability	54.29	23.67								

Job Group: 7B Skilled Craftsperson

7B - Skilled Craftsperson

Factor	Weight %		Min	Fem								Source of Statistics
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	35.80	4.86								5-County Recruitment Area
		Weighted Factor	26.85	3.64								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	22.56	8.27								Feeder Job Computations
		Weighted Factor	5.64	2.07								
		Availability	32.49	5.72								

Job Group Availability Analysis – September 30, 2014

Job Group: 8A Service/Maintenance Supervisor

8A - Service / Maintenance Supervisor

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	51.37	54.81								5-County Recruitment Area
		Weighted Factor	38.53	41.11								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	67.31	42.51								Feeder Job Computations
		Weighted Factor	16.83	10.63								
Availability			55.36	51.74								

Job Group: 8B Service/Maintenance Staff

8B - Service / Maintenance Supervisor

Factor	Weight %	Min	Fem								Source of Statistics	
1: Percentage of minorities or women with requisite skills in the reasonable recruitment area.	75.00	Raw Statistics	51.66	31.26								5-County Recruitment Area
		Weighted Factor	38.74	23.44								
2: Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	25.00	Raw Statistics	69.18	43.05								Feeder Job Computations
		Weighted Factor	17.30	10.76								
Availability			56.05	34.21								

Incumbency v. Estimated Availability Analysis – September 30, 2014

Job Group	Less than 80%?	
	Minorities	Females
1A - Top Executives	-	-
1B - Senior Institutional and Chief Functional Officers	-	-
1C - Institutional Administrators	-	-
1D - Heads of Academic Division, Departments, & Centers	-	Yes
1E - Heads of Administrative Division, Departments, & Centers	-	-
2A - Faculty/Corps of Instruction	Yes	Yes
2B - Professionals with Academic Rank	Yes	-
3A - Administrative Unit Heads/Professionals	-	-
3B - Managers	-	-
3C - Administrative Professional Associates	Yes	-
4A - Academic Affairs Professionals	-	-
4B - Student Affairs Professionals	-	-
4C - Institutional Affairs Professionals	-	-
4D - Fiscal Affairs Professionals	-	-
4E - External Affairs & Communications Professionals	-	-
4F - Facilities Professionals	-	Yes
4G - Information Technology Professionals	Yes	-
4H - Research, Extension, and Other Education Professionals	Yes	-
4J - Health Science Professionals	-	-
4K - Environmental Professionals	-	-
4L - Athletic Affairs Professionals	-	Yes
5A - Administrative/Office Support Managers	-	-
5B - Admin/Office Support supervisors, Leads Staff	-	-
6A - Institutional Tech/Paraprofessional	-	-
6B - Technology Tech/Paraprofessional	-	-
6C - Research Lab Tech/Paraprofessional	Yes	-
6E - Health Science Tech/Paraprofessional	Yes	-
6F - Environment Tech/Paraprofessional	-	-
7A - Skilled Craft Supervisor	-	-
7B - Skilled Craftsperson	Yes	Yes
8A - Service/Maintenance Supervisor	Yes	Yes
8B - Service/Maintenance Staff	-	-

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

Yes indicates 80% Ratio < 80.0 and Standard Deviation of 2.0 or greater.

Annual Placement Goals – September 30, 2014

Job Group & Name	Min	Fem
1A - Top Executive Officers	15.60	41.26
1B - Senior Institutional & Chief Functional Officers	22.08	55.38
1C - Institutional Administrators	21.83	
1D - Heads of Academic Divisions, Depts & Centers	23.65	55.21
1E - Heads of Administrative Divisions, Depts & Centers	21.89	57.34
2B - Professionals with Academic Rank	19.90	
3A - Administrative Unit Heads / Professionals	21.53	
3C - Administrative Professional Associates	20.96	
4E - External Affairs & Communications Professionals	20.59	
4F - Facilities Professionals	16.83	30.98
4G - Information Technology Professionals	22.65	
4H - Research, Extension & Other Education Professional	23.87	
4J - Health Science Professionals	20.41	
4K - Environment Professionals	17.55	
4L - Athletic Affairs Professionals		35.00
5A - Administrative / Office Support Managers	29.98	
6C - Institutional Tech / Paraprofessional	26.47	
6E - Institutional Tech / Paraprofessional	32.00	
6F - Institutional Tech / Paraprofessional	16.14	
7A - Skilled Craft Supervisor	54.29	23.67
7B - Skilled Craftsperson	32.49	5.72
8A - Service / Maintenance Supervisor	55.36	51.74

A Placement Goal is set when employment is less than 80% of availability.

<p style="text-align: center;">Section</p> <p style="text-align: center;">11</p>
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Identification of Problem Areas

In making an in-depth analysis of NC State University's total employment process, particular attention has been paid to those job categories where minority groups and women may face impediments to equal opportunity. In general terms, NC State University has continued to make progress in placing minorities and women in various organizational units and job groups. Further analysis has found that minorities and women are not restricted to any particular organizational unit or job group. At present time, minorities and women are involved in all major departments and units at the University. However, the statistical analysis of the University's work force compared with published statistical data indicating the number of available females and minorities in the relevant labor market revealed some problem areas or underutilization as noted by the respective Incumbency v. Availability Analysis for each EPA/SPA job group. Job Groups demarcated by "Yes" indicate underutilization.

Under utilization is defined as "having fewer minorities or women in a particular job group than what would be reasonably expected by their availability in the relevant job market." The OFCCP currently recognizes three tests to determine whether the difference between incumbency versus availability is significant: the Any Difference Rule, the 80% Rule, and the Two-Standard Deviation Rule. In determining whether under utilization exist, the University has elected to use the 80% Rule.

Under the 80% Rule, a disparity may exist whenever the percentage of females and/or minorities in a particular job group is less than 80% of the final availability percentage. Placement goals in this plan are set when the statistical value yields a standard deviation of 2.00 or greater. For groups of fewer than 30 employees, the Exact Binomial Test is used and scores of 0.050 or less are considered significant.

Unit Action Plans

After completing the various analyses, the Vice Provost for Institutional Equity and Diversity Equity meets with each college Dean and other senior executives to discuss (a) the results of the analyses, (b) identification of realistic and attainable goals where appropriate, (c) possible strategies for attaining said goals, and (d) a timeline for reaching said goals.

In turn, each college dean and major administrative unit is asked to submit a Unit Action Plan outlining over the next several years the number of anticipated vacancies in the unit, specific

initiatives and/or outreach efforts that will be undertaken to reach any stated goals, and what specific measures will be used to assess the success of the unit's efforts to diversify its workforce.

Unit Action Plans include the following components:

- An organizational chart for the unit
- A copy of the Workforce Analysis by Job Groups for the unit
- An indication of the time period covered by the Unit Action Plan and a timeline for attaining any stated goals
- An estimate of the expected number of job vacancies by Job Groups for the period covered by the Plan
- Numerical affirmative action hiring goals/targets for any and all under-represented designated group members in each occupational group where indicated by the Incumbency v. Availability Analysis
- A description of the recruitment strategies and other initiatives that will be undertaken by the unit to increase representation of minorities and women
- Contact information for the Responsible Administrator
- A description of the measures that will be utilized to assess the progress towards goal attainment
- Any alternative sources of published employee availability data

Action-Oriented Programs

The Vice Provost for Institutional Equity and Diversity directs the activities of the Office for Institutional Equity and Diversity (OIED). OIED monitors NC State University's compliance with federal and state nondiscrimination laws, develops and implements the university equal opportunity and affirmative action plans, and provides education and training to the campus community.

A commitment to equal opportunity dictates that the University focuses its efforts on ensuring that all members of its community enjoy fair competition for jobs, a quality education and equal access to the university's resources. Equal opportunity and affirmative action activities foster diversity and increase the satisfaction of faculty, staff, and students at NC State University. The OIED, in conjunction with efforts by units such as Human Resources, is a key unit in helping to achieve the university goal of creating a campus environment where a culture of inclusiveness and diversity of people and programs dominates. Effectively managing a diverse work force ensures that under-represented groups (people of color and women) who were recruited through affirmative action are retained, thus saving the university additional recruitment and training costs.

NC State has instituted action programs to eliminate identified problem areas and to help achieve specific affirmative action goals. Because of the large and diverse structure of NC State, it is impossible to give a full accounting of all such activities. Following is listing those activities that have had the greatest impact and is intended to document program highlights and major

new accomplishments, and is not inclusive of all OIED activities over the course of the past year.

Equal Opportunity Institute

The 2013-2014 year had another record number of sixty-nine (69) participants and fifty-eight (58) graduates of the Equal Opportunity Institute. The total number of EOI graduates since the program began in 1999 is 445. Program evaluations continue to indicate that participants improved their understanding of equal opportunity issues, gained strategies to apply the information learned and would highly recommend this program to other students and employees. Due to expanded interest in the workshops offered in this program, twenty-four of the graduates received special recognition for completing three (3) additional electives beyond their program requirements. Seven (18) past graduates were designated as “Graduate Scholars” in recognition of their continued engagement in the EOI development opportunities.

Discrimination and Harassment Prevention Outreach

Ninety-seven (72) live presentations of discrimination and harassment prevention and response (DHPR) were presented to 2,109 participants during 2013-14, not including the material provided within the Equal Employment Opportunity Institute (EEOI). OIED’s prevention efforts contribute to many of NC State’s Strategic Plan initiatives, such as improving student retention, recruiting scholars, enhancing institutional pride, encouraging diversity and inclusion, and increasing students’ global knowledge.

In addition, 1,520 participants completed the Discrimination and Harassment Prevention and Response online training module (calculated from May 1, 2013 through April 30, 2014).

New Employee Orientation

Nine hundred and one (939) new employees attended unlawful workplace harassment training during orientation at a program entitled “Discrimination and Harassment Prevention and Response (DHPR).”

Equal Employment Opportunity (EEOI)

For managers and supervisors, EEOI is a mandatory NC Office of State Personnel sponsored training activity designed to inform those working in a supervisory capacity about federal and state EEO/AA laws and policies. OIED staff facilitated 6 EEOI training sessions on the NCSU campus resulting in exposing more than 120 EPA and SPA managers/supervisors to the mandated training.

National Coalition Building Institute

In 2013-14 the NC State University National Coalition Building Institute (NCBI) team facilitated 43 workshops for 1,339 participants. This included open enrollment sessions through OIED and the Leadership Development Series as well as customized requests for the Department of Social Work, PAMS’s first year student classes, Facilities, the College of Management, New Student Orientation counselors and University Housing.

Equal Employment Opportunity Advisory Committee (EEOAC)

The Equal Employment Opportunity Advisory Committee (EEOAC), an essential component of the university's results-oriented affirmative action program, serves to provide insight and feedback to the Office for Institutional Equity and Diversity in its efforts to eliminate any artificial barriers that may exist for qualified individuals seeking employment or promotional opportunities at NC State.

The EEOAC membership represents the diverse demographic and occupational groups within the University's faculty and staff workforce. The committee is charged with (1) providing recommendations regarding policies, procedures and programs of the university as they relate to equal opportunity areas, (2) advising the Vice Provost for Institutional Equity and Diversity on administrative measures to improve the university's performance in these areas, and (3) creating awareness of equal opportunity issues by serving as a vital communication link to the campus community.

Search Committee Orientations

Training search committee chairs and hiring authorities on best practices for ensuring fair and equitable searches and hiring. Encouraging all hiring authorities to be as inclusive as possible with their outreach and advertisement to diverse communities and in selecting the members of the search committee

ADVANCE

NC State University also secured a National Science Foundation ADVANCE grant to fund a program designed to increase the number of women faculty in the STEM (Science, Technology, Engineering, and Mathematics) disciplines, especially those in leadership positions. The approach taken has been to work with faculty and administrators at all levels, in all disciplines and of all genders to further their professional development and to encourage best practices. The approach has involved a mixture of workshops to build skills (at assistant, associate, and chair levels), book groups to explore issues around leadership and help build aspirations, networking lunches for faculty and distribution of materials on effective departmental governance. In addition, many campus policies have been reviewed for effectiveness and revised as needed (for example, the tenure clock is now stopped if a parental leave is taken).

In addition to the above, the university is actively engaged in

- Conducting review of job descriptions to ensure that they accurately reflect job functions;
- Evaluating the total selection process to ensure freedom from bias through:
 - a. Reviewing job applications and other pre-employment forms to ensure the information requested is job-related;
 - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
 - c. Training personnel and management staff on proper interview techniques; and
 - d. Offering periodic training to managerial and supervisory staff on EEO/AA and diversity related topics;

- Including the phrase "Equal Opportunity/Affirmative Action Employer" in all printed employment advertisements; university publications and promotional items;
- Recruitment advertisements are placed on major electronic job posting sites, in print publications, and through targeted email listings in an attempt to reach all qualified applicants, including minority and female populations. Placing vacancy announcements, when appropriate, in local minority news media and women's interest media;
- Disseminating information on job opportunities to organizations representing minorities, women and employment development agencies when job opportunities occur; and
- Actively recruiting at secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments.

Section 12

Internal Audit and Reporting System

Monitoring Procedures

Applicant tracking, hiring activity, and separation data is monitored by OIED 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 Employees

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 Employees

The Office for Institutional Equity and Diversity (OIED) monitors the EPA hiring process for equal opportunity compliance. At the interim recruitment 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 Equity Officers assist the OIED in its monitoring process. The responsibilities of the Unit Equity 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

Human Resources Information Management System

The Human Resources Information Management System (HRIMS) is a web-based software application for processing personnel actions.

The HRIMS is a computerized software database system which maintains current data on all employees of NC State University. The application supports the information needs of the Human Resources Division, including Payroll, Benefits and Leave Administration, Classification

and Compensation, Employment Services, EPA Administration, Training and Organizational Development, and Employee Relations, and other management functions within the university. On a continuous basis, data is entered into the systems from several sources to update employee records, including information on new employees, changes in status, terminations, employee benefits, salary adjustments and etc., for faculty and staff. Stored data consist of, but is not limited to, information indicating the individual employee's sex, race, age, veteran status, and disability (if known), University seniority date, employment history (e.g., promotions, transfers, salary adjustments, increases, etc.) and compensation history with the University. The HRIMS system is the University's official source of employee data, and the resource from which staff assigned to OIED extract reports for performing the University's workforce analysis.

While the OIED is responsible for developing and preparing the university's affirmative action plan and implementing the affirmative action program, the content validity of the workforce and transactional data is the responsibility of the Division of Human Resources.

NC State University has established and implemented procedures and reporting systems necessary to monitor and audit the institution's affirmative action program on a regular basis. This serves to identify the areas in which the program is not accomplishing the goals set forth and to provide information upon which actions can be taken in order to assure the continued effectiveness of the university's affirmative action program.

The following reports are generated on a routine basis to enable the university to monitor its progress to placement goals, and to ensure and measure the effectiveness of the affirmative action program. The reports are reviewed with management and executive-level administrators on a periodic basis in order to advise them of the program's effectiveness.

Integrated Post-Secondary Education Data System (IPEDS) Report — Provides the basis for NC State's Employers Information Report, which is filed with the Joint Reporting Committee (OFCCP and the EEOC) on a biennial basis as requested.

Personnel Data File — Indicates workforce changes by EEO-6 job category in each academic unit and major division within the organization. The data in this report indicate the number of employees on a school-by-school and division-by-division basis including job group, minority and gender information

Faculty and Staff Reports — Trend data and individual year reports produced by the Office of Institutional Research and Planning. These reports line up multiple years together in simpler tables and include breakouts with more detail for occupational activity, gender and race/ethnicity counts, as well as organization, faculty rank, and other useful taxonomies.

Annual VETS-100 Report— The Department of Labor requires that all federal contractors holding contracts of \$100,000 or more must annually file a VETS-100 report no later than September 30. Each contractor must disclose:

- a) the number of special disabled and Vietnam Era veterans employed, by job category and location during the reporting period;
- b) the total number of employees terminated at each location during the reporting period;

- c) and the number of special disabled and Vietnam Era veterans terminated at each location for the reporting period.

The OIED is responsible for submitting this report.

Online Employment System (PeopleAdmin)

The Online Employment System is a computerized database, maintained by the Division of Human Resources, for the purposes of providing information concerning all position vacancies and any associated application and employment activity relative to the hiring process. OIED reviews the hiring proposals for faculty and non-faculty EPA position vacancies, via the Online Employment System before an employment offer is made to ensure the recruitment and selection processes are in compliance with the University's equal opportunity and affirmative action requirements. Human Resources reviews and endorses staff employment offers. Through the Online Employment System, information is captured to assist the OIED in performing the impact ratio analysis for new hires.

Affirmative Action Recruitment and Appointment Procedures

Two documents, *Guidelines for Recruiting a Diverse Workforce* and *Employment Procedures for EPA Faculty & Non-Faculty Positions* detail specific guidelines for the uniform application of recruitment and appointment procedures in the employment processes for faculty and professional staff personnel. In addition to requiring full documentation of the hiring process, the procedures described in these two documents allow the OIED to monitor and review each individual employment search in its entirety, and where appropriate, through intervention, take affirmative steps to ensure equal employment opportunity and affirmative action on the part of hiring officials.

Periodic Meetings and Progress Reports

The University Affirmative Action Officer meets periodically with all senior administrators, directors, and deans to discuss concerns and remain informed of the status of equal opportunity/affirmative action related projects and the progress attained within each academic and organizational unit of the University. In addition, meetings are held on a monthly basis, during the academic year, with representatives (Unit Equity Officers) to share information, concerns and reports of progress.

Annual Report

Each year, the OIED provides Executive Vice Chancellor (Provost), a comprehensive annual report which summarizes both the significant endeavors carried out by the Office during the previous year, as well as the good faith efforts undertaken throughout the University in the past year to implement the University's commitment to equal opportunity/affirmative action. This report provides a succinct presentation of various activities pertaining to the basic functional responsibilities (program development, complaint processing, compliance, training, advocacy, and employment monitoring) of the office.

Maintenance of Records

In general, all records dealing with recruitment, hiring, promotion or termination, as well as other documents relating to the institution's compliance with applicable nondiscrimination and affirmative action requirements are kept for a minimum period of three years. In addition, all

records are maintained in accordance with the Federal Privacy Act and the State of North Carolina's Access to Public Records Law.

Review of Personnel Policies for Proper Consideration of Qualifications

NC State University observes the requirements of the "OFCCP Uniform Guidelines on Employee Selection Procedures" by performing periodic audits of personnel activities and the retention of records if adverse impact of minorities or women is noted. In addition, the university monitors the processes used to refer applicants to managers for hiring consideration to ensure the processes are nondiscriminatory. The recruiting, screening, referral, and selection process must demonstrate a good faith effort to remove identified barriers, expand employment opportunities, and produce results that are measurable.

Compensation policies and practices are periodically reviewed to assess compliance to these respective policies and practices and their consistent administration university wide.

In each case where a covered employee or applicant is rejected for employment, promotion, or training, a statement of reason is maintained; and when covered applicants or employees are selected for hire, promotion, or training and any resulting accommodation is undertaken, the accommodation is properly documented.

Outreach, Positive Recruitment and External Dissemination of Policy

NC State University has a strong commitment to providing service to local, regional, and national programs seeking to enhance the opportunities for minorities, women, disabled persons, and veterans. Faculty and staff are encouraged to participate in local and state committees, professional associations, and local organizations that are planning or implementing programs to improve opportunities for protected groups.

As an educational institution, NC State University is committed to expanding opportunities for groups which have previously had limited opportunities to participate in higher education. A comprehensive program of educational support for disadvantaged students, a support service for re-entry women students, a broad variety of services for disabled and foreign students, and special scholarships for disadvantaged graduate students are examples of the many efforts made by NC State to improve educational opportunities for protected groups.

NC State University provides additional support for its affirmative action program through campus and community activities designed to raise public awareness of EEO/AA related issues. These activities also lend supplementary assistance to various aspects of the University's affirmative action efforts. Because of the large and diverse structure of the university, it is impossible to give a full accounting of all such activities. However, a complete listing of these activities is maintained in the OIED and is available for inspection, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

Recruitment advertisements are placed on major electronic job posting sites, in print publications, and through targeted emails in an attempt to reach qualified applicants, including minority and female populations. A list of suggested publications is maintained by the Division of Human Resources.

Recruiting sources, subcontractors, and community organizations and agencies are informed that the University is bound by the Americans with Disabilities Act of 1990 (ADA), by the terms of Sections 503 and 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended 38 U.S.C. 12012, the Vietnam Era Veterans Readjustment Assistance Act of 1972, and by its affirmative action and equal opportunity policy.

The University also includes the affirmative action clause in applicable contracts and subcontracts or it is included by reference and includes an appropriate affirmative action and equal employment opportunity clause in all purchase order forms, leases, contracts, and business agreements.

Section

13

Appendices

The following policies and regulations are included in this plan:

Equal Opportunity and Non-Discrimination Policy (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>

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 (Reg 04.25.05)

History: First Issued: August 30, 1999. Last Revised: September 20, 2013.

Related Policies:

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

[NCSU POL05.25.03 -- Review and Appeal Processes for EPA Non-Faculty Employees](#)

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

[NCSU REG11.35.02 -- Student Discipline Procedures](#)

[NCSU REG11.40.02 – Grievance Procedure for Graduate Students](#)

[NCSU REG11.40.01 – Grievance Procedure for Undergraduate Students](#)

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

1. POLICY STATEMENT

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. North Carolina State University (“NC State”) strives to build and maintain an environment that supports and rewards individuals on the basis of relevant factors such as ability, merit and performance. Accordingly, NC State engages in equal opportunity and affirmative action efforts, and prohibits discrimination, harassment, and retaliation, as defined by this policy.

2. DEFINITIONS

For purposes of this policy, the following definitions apply:

2.1 Discrimination is unfavorable treatment with regard to a term or condition of employment, or participation in an academic program or activity based upon age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status. Discrimination includes the denial of a request for a reasonable accommodation based upon disability or religion.

2.2 Harassment is any unwelcome conduct based upon age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status that either creates a quid pro quo situation or a hostile environment.

*Note: Incidents of sexual violence may constitute sexual Harassment.

2.2.1 Quid Pro Quo Harassment occurs when submission to, or rejection of, unwelcome conduct (e.g., sexual advances, requests for sexual favors) by an individual is used as the basis for an employment decision (for employees); or education decision (for students). It can also occur

when an individual believes that he or she must submit to the unwelcome conduct in order to avoid an adverse employment action or to secure a promotion (for employees) or to participate in school program or activity (for students).

*Note: Though Quid Pro Quo Harassment typically involves conduct of a sexual nature, it can also result from unwelcome conduct of a religious nature. For example, a supervisor offers a subordinate employee a promotion if the employee joins the supervisor's religion.

2.2.2 Hostile Environment Harassment occurs when unwelcome conduct based upon an individual's age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation or veteran status is sufficiently severe or pervasive to:

(For Students):

- deny or limit a student's ability to participate in or benefit from NC State's programs or activities; or
- create an intimidating, threatening or abusive educational environment.

(For Employees):

- create an intimidating, hostile or offensive working environment.

A Hostile Environment is determined by looking at whether the conduct is objectively offensive (i.e., a reasonable person would find it to be) and subjectively offensive (i.e., the person who is the object of the unwelcome conduct finds it to be).

All relevant circumstances are examined as part of this determination, including but not limited to, the type of Harassment (e.g. whether verbal, physical, electronic); the frequency of the conduct, the severity of the conduct, the protected group status and relationship of the individuals involved, whether the conduct was physically threatening or humiliating, whether the conduct unreasonably interfered with work performance (for employees) or academic performance (for students). When sufficiently severe, a single instance of unwelcome conduct (e.g., sexual assault) may constitute Hostile Environment Harassment.

2.3 Retaliation is any adverse action (including intimidation, threats or coercion) against an individual because that individual engaged in a protected activity.

2.4 Protected activity includes:

- opposing a practice believed to be a violation of this policy;
- participating in an investigation, proceeding or hearing involving a violation of this policy; or
- requesting a reasonable accommodation based on disability or religion.

3. COMPLAINTS

NC State will promptly, thoroughly and impartially respond to all complaints of Discrimination, Harassment and Retaliation.

Any individual with a complaint of Discrimination, Harassment or Retaliation should follow NCSU REG 04.25.02 (Discrimination, Harassment and Retaliation Complaint Procedure).

4. POLICY VIOLATIONS and CORRECTIVE MEASURES

Substantiated instances of Discrimination, Harassment and Retaliation, as defined above, are violations of this policy and will not be tolerated by NC State.

Appropriate corrective measures will be instituted for violations of this policy. Such corrective measures will be designed to stop the Discrimination, Harassment and/or Retaliation and to prevent future violations. Corrective measures may involve disciplinary action up to and including expulsion (for students) or discharge (for employees).

Disciplinary action for a violation of this policy will be the responsibility of the Office of Student Conduct (for students) and appropriate administrator (i.e. vice chancellor, dean, director, supervisor, etc.) (for employees), in accordance with applicable disciplinary procedures for students or employees.

5. AFFIRMATIVE ACTION

In addition to prohibiting Discrimination, Harassment and Retaliation, NC State works toward the full realization of equal opportunity through a continuing affirmative action program, in compliance with applicable federal and state laws.

Development of the university's affirmative action plan, called the Equal Employment Opportunity Plan (EEO Plan) at NC State, is assigned to the Vice Provost for Institutional Equity and Diversity, who serves as the university's Affirmative Action Officer.

The head of each administrative/academic unit identified in the EEO Plan, and subunits as identified by the Affirmative Action Officer, shall be responsible for working with the Affirmative Action Officer to implement the requirements of the EEO Plan.

6. STATEMENT FOR PROGRAMS/PUBLICITY

The following statement may be used for programmatic or publicity purposes at NC State:

NC State University promotes equal opportunity and prohibits discrimination and harassment based upon one's age, color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation and veteran status.

7. RESOURCES

Questions concerning this policy may be referred to the Office for Institutional Equity & Diversity.

Resolution Procedures for Discrimination, Harassment and Retaliation Complaints (Reg 04.25.02)

History: First Issued: August 30, 1999. Last Revised: August 12, 2014.

Related Policies:

NCSU POL04.25.05 – Equal Opportunity and Non-Discrimination Policy

NCSU POL05.25.01 – Faculty Grievance and Non-Reappointment Review Policy

NCSU POL11.35.01 - Code of Student Conduct

NCSU REG11.35.02 -- Student Discipline Procedures

NCSU POL05.25.03 -- Review and Appeal Processes for EPA Non-Faculty Employees

NCSU REG11.40.02 – Grievance Procedure for Graduate Students

NCSU REG11.40.01 – Grievance Procedure for Undergraduate Students

NCSU REG04.25.06 - Discrimination and Harassment Prevention and Response Training

UNC System SPA Employee Grievance Policy

Additional References:

Title IX Website

Contact Info: Vice Provost for Equal Opportunity and Equity (919) 515-4559

Additional Contact Info:

Title IX Coordinator jgwoodar@ncsu.edu (919) 515-4559

Deputy Title IX Coordinator (Complaints/Investigations/Training) accircos@ncsu.edu (919) 513-1234

Deputy Title IX Coordinator (Athletics) swmlee2@ncsu.edu (919) 515-5076

Deputy Title IX Coordinator (Student Development, Health & Wellness) lpzapata@ncsu.edu (919) 513-3403

1. INTRODUCTION

North Carolina State University (NC State) prohibits discrimination, harassment and retaliation as defined by NCSU POL 04.25.05 - Equal Opportunity and Non-Discrimination Policy. NC State will investigate allegations of discrimination, harassment and retaliation in a prompt, thorough and impartial manner. NC State will take appropriate steps to address policy violations whenever substantiated to stop the discrimination, harassment or retaliation, to remedy its effects and to prevent its recurrence. This regulation describes the procedure for filing, processing and resolving complaints that allege discrimination, harassment or retaliation. This regulation additionally describes how NC State handles informal reports or

concerns of possible discrimination, harassment or retaliation that are not submitted as a complaint for formal processing.

2. DEFINITIONS

2.1 *Complaint*: Allegations of discrimination, harassment, or retaliation submitted directly to the Office for Institutional Equity and Diversity (OIED) or referred to the OIED pursuant to a university grievance procedure (as defined below) for formal processing. An EEO Informal Inquiry submitted by an employee covered by the State Human Resources Act (SHRA) (see section 5.4) will be treated as a Complaint.

2.2 *Complainant*: An individual (or individuals) who submits a Complaint of discrimination, harassment, or retaliation to the OIED for formal processing pursuant to this procedure.

2.3 *Respondent*: The individual (or individuals) named by the Complainant as the person (or persons) who engaged in the alleged discrimination, harassment, or retaliation.

2.4 *University Grievance Procedure*: For purposes of this regulation, “university grievance procedure” includes NCSU POL 05.25.01 (Faculty Grievance and Non-Reappointment Review Policy) and NCSU POL 05.25.03 (Review and Appeal Processes for EPA Non-Faculty Employees). See section 5.4 relating to the SPA Employee Grievance Policy.

3. UNIVERSITY’S RESPONSIBILITY

The university has a duty to investigate and to respond appropriately to allegations of discrimination, harassment, or retaliation whether those allegations are reported informally as concerns or are submitted formally as a Complaint. In other words, the university’s responsibility to investigate allegations of discrimination, harassment or retaliation is not obviated even when, for example:

- an individual reports a concern involving possible discrimination, harassment, or retaliation, but does not wish to file a Complaint;
- an individual reports a concern involving possible discrimination, harassment, or retaliation and asks that either his/her identity or the information provided be kept confidential; or
- an individual anonymously reports possible discrimination, harassment, or retaliation and the report includes sufficient specificity to allow the university to investigate the report.

4. CONFIDENTIALITY

Allegations of discrimination, harassment, or retaliation will be handled in a manner that balances an individual’s preferences regarding confidentiality with the university’s legal obligations. Complete confidentiality cannot be guaranteed, and information about discrimination, harassment and retaliation allegations may be shared with others when

necessary to investigate or address the prohibited conduct or to prevent its recurrence. Sharing of information will be limited to persons with a need to know basis. If an individual requests complete confidentiality and/or asks that the university not investigate or seek action against the alleged perpetrator, such request may limit the university's ability to respond fully to the complaint, including pursuing any disciplinary action against the alleged perpetrator. The university ultimately determines whether or not it can honor such a request while providing a safe and nondiscriminatory environment for the university community. Such determination shall be made by the OIED, in consultation with the Office of General Counsel, and, in cases of sexual violence, with the Title IX Coordinator.

Individuals bringing forth allegations of sexual violence who request complete confidentiality are strongly encouraged to consult with individuals, who by law have special professional status, such as mental health counselors, physicians, clergy or private attorneys.

In an effort to protect privacy as well as the integrity of the Complaint process, Complainants, Respondents, witnesses and any other individuals who may have information about a Complaint are expected to maintain confidentiality to the extent permitted by law.

5. FORMAL PROCESS(ING)

The submission (filing or referral) of a Complaint to the OIED initiates the formal process/formal processing (preliminary review, investigation, determination) as provided for in this procedure.

5.1 Filing a Complaint.

Any individual may file a Complaint by:

- Bringing the Complaint to the OIED office located at 231 Winslow Hall, 40 Pullen Drive, Raleigh NC 27607;
- Mailing or otherwise transmitting the Complaint to the OIED at Campus Box 7530, NC State University, Raleigh, NC 27695-7530; or
- Completing the OIED's online **OIED Complaint Intake Form**.

For formal processing, Complaints must be submitted to the OIED within 30 calendar days of the alleged action that forms the basis of the Complaint. Complaints submitted outside of the 30-day time limit will be reviewed and addressed as determined by OIED.

**Note:* Pursuant to the SPA Employee Grievance Policy, SPA employees must file a Complaint with the OIED within 15 calendar days of the alleged discriminatory, harassing or retaliatory action that forms the basis of the Complaint before initiating a formal internal grievance to preserve their rights under State law. Employees who do not meet the 15-day time limit may still file a Complaint with the OIED; such Complaint will be reviewed and addressed through either formal processing (if filed within 30 calendar days of the action) or through the informal resolution process, as may be required by Federal law. See section 5.4.

5.2 Referral of Student Complaints to the Office of Student Conduct.

Complaints filed against students will be referred to the Office of Student Conduct (OSC) to be processed through the Student Discipline Procedures. Referrals to the OSC will usually occur within three university business days from receipt of the Complaint. Complaints filed by students against university employees (administrators, faculty or staff) will proceed through formal processing as provided for in this procedure.

5.3 Referral of Employee Complaints to the OIED (through a University Grievance Procedure).

Allegations of discrimination, harassment, or retaliation (not previously filed directly with the OIED as a Complaint) that are included in a grievance filed pursuant to a University Grievance Procedure will be considered a Complaint and referred to the OIED for formal processing (and handling as otherwise provided for in the applicable University Grievance Procedure). In order to expedite OIED's formal processing of the Complaint, the referral should occur as soon as possible after the grievance is filed.

5.4 Equal Employment Opportunity Informal Inquiry (SPA Employees Only).

Employees and applicants covered by the university's SPA Employee Grievance Policy who want to file a grievance that includes allegations of discrimination, harassment, or retaliation, must first file an Equal Employment Opportunity (EEO) Informal Inquiry with the OIED *prior to* filing the internal grievance. For purposes of this regulation and unless otherwise noted, an EEO Informal Inquiry is the same as a Complaint. An EEO Informal Inquiry must be filed with the OIED within 15 calendar days of the alleged action that forms the basis of the Complaint. Due to the timelines imposed by the SHRA for internal grievances, the university has 45 calendar days from receipt of the EEO Informal Inquiry to conduct its investigation and respond back to the Complainant. The 45-day time limit may be extended due to unavoidable delays or occurrences; the Complainant and the university must mutually agree in writing to an extension, which may not exceed 15 calendar days.

5.5 External Filing of Discrimination Charge, Civil Suit or Criminal Charge.

The submission of a Complaint to the OIED pursuant to this procedure does not preclude an individual from filing an external charge of discrimination, harassment, or retaliation directly with the Equal Employment Opportunity Commission (EEOC), the Office of Administrative Hearings-Civil Rights Division (OAH-CRD), U.S. Department of Education, Office of Civil Rights (OCR), or other relevant agency, nor does it prevent an individual from pursuing a related civil action or criminal charge.

6. PRELIMINARY REVIEW

6.1 Once a Complaint has been submitted to the OIED, an investigator will conduct a preliminary review of the Complaint to determine whether the Complaint alleges facts that, if true, might constitute a violation of NCSU POL 04.25.05 (Equal Opportunity and Non-Discrimination Policy). The Complainant is responsible for providing the basis of his or her Complaint to the investigator. Where the allegations are unclear or require clarification, the OIED investigator may seek additional information from the Complainant as part of the preliminary review.

6.2 When a preliminary review of a Complaint indicates that the allegations, if true, might constitute a violation of the Equal Opportunity and Non-Discrimination Policy (“policy violation”), the OIED will initiate an investigation to determine if the facts are true and to determine whether a policy violation has occurred.

6.3 When the preliminary review of the Complaint indicates the allegations within the Complaint would not constitute a policy violation, the investigator will administratively close the formal processing of the Complaint. The investigator will notify the Complainant in writing that the formal process has been administratively closed because the allegations, even if taken as true, would not constitute a policy violation. When a Complaint is administratively closed following a preliminary review, the closure precludes the issues raised in the Complaint from proceeding through the university grievance procedure. When appropriate, the OIED will consult with the supervisor to ensure that any inappropriate conduct is addressed, even when the allegations do not rise to the level of a policy violation.

6.4 If the Complaint raises issues (i.e. health/safety, research misconduct, tort claims) that would fall outside the OIED’s area of responsibility but within the responsibilities of another campus unit, the OIED can refer the issues to the appropriate, responsible university administrator.

6.5 If administrative action is taken to address an employee’s conduct prior to the commencement or completion of an OIED investigation, the OIED will make a determination as to whether to pursue the investigation or to administratively close the formal process.

7. INVESTIGATION

7.1 If the preliminary review indicates that an investigation should be initiated, the OIED will, at such time as is appropriate, notify the supervisor(s) of the respondent about the investigation. The OIED will also notify the respondent(s) after the investigation has been initiated and that the respondent will be provided with the opportunity to respond to the allegations.

7.2 Every effort will be made to complete the investigation within 60 calendar days of the filing or referral of the Complaint, however, the investigation period may be extended when deemed necessary by the OIED (e.g., due to university holidays or breaks, based on

availability of witnesses). (See section 5.4 regarding the time to complete formal processing of an EEO Informal Inquiry pursuant to the SPA Employee Grievance Policy.)

7.3 If a Complainant fails to respond to the OIED's requests to provide information regarding the Complaint or fails otherwise to participate in the investigation, the OIED may administratively close the formal process without issuing a determination or may issue a determination based on the information available in the record.

7.4 If during the course of the investigation the OIED becomes aware of any retaliation or interference in the investigation by the Complainant, Respondent or any witness, the OIED will refer such issue to Employee Relations, the appropriate supervisor, or, in the case of students, to the Office of Student Conduct.

8. NOTIFICATION

8.1 Once the investigation has concluded, the OIED will evaluate the information collected during the investigation (e.g., documents, interview notes) and apply a preponderance of evidence (more likely than not) standard to determine whether a policy violation is substantiated.

8.2 For Complaints involving sexual misconduct, the Complainant's past sexual history will not be considered in determining whether a policy violation occurred.

8.3 The OIED investigator's findings and determination will be included in a written report.

9. DETERMINATION

9.1 Notification to Parties.

The OIED will notify the parties in writing of the outcome of the investigation and determination as to whether any policy violation was substantiated. If the OIED determines there has been no policy violation, the notification to the parties concludes the formal process. If the Complaint was referred to the OIED through a University Grievance Procedure, the OIED will notify the appropriate entity that the formal process has concluded.

9.2 Written Report.

The OIED's written report will be provided to the appropriate supervisor(s), with a copy provided to Office of General Counsel and Employee Relations.

9.3 Confidential Information.

The notification letters to the parties and the OIED written report shall be treated as confidential to the extent that they contain student information protected under federal privacy law (i.e. FERPA) or employee information protected under state law (i.e. SHRA). Violation of the confidentiality requirement may result in disciplinary action for anyone

disclosing such confidential information. Confidential student and employee information includes information that can identify persons who are Complainants, Respondents or witnesses.

10. CORRECTIVE ACTION

10.1 In cases where a policy violation is substantiated, the OIED investigator will meet with the appropriate supervisor(s) and others as needed (e.g., Office of General Counsel, Employee Relations) to discuss taking appropriate corrective action, including possible disciplinary action, to resolve the policy violation and prevent its recurrence.

10.2 The appropriate supervisor(s) will notify the OIED of what corrective action(s) have been taken to address the policy violation.

10.3 Complainants will be notified that the corrective action taken to address the policy violation, however, Complainants are not authorized to access to the confidential employment information contained in another employee's personnel file, unless as permitted by law.

11. COMPLAINT RESOLUTION

11.1 If the corrective action taken meets the university's obligations to address the policy violation and resolves the Complaint to the Complainant's satisfaction, the formal process will be concluded and closed.

11.2 If the corrective action taken meets the university's obligations to address the policy violation, but the Complainant remains unsatisfied, the Complainant may seek to pursue any rights he or she may otherwise have available.

12. INFORMAL PROCESS(ING)

12.1 At any time after submission of a Complaint to the OIED, a Complaint may be resolved through an informal process provided that: (1) the Complainant(s) and Respondent(s) mutually agree to the terms and conditions of any proposed resolution agreement, and (2) the OIED approves the proposed resolution agreement.

12.2 At any time from the submission of the Complaint, either party or the OIED 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 resolution agreement. Mediation is not an option for resolution of allegations of sexual harassment that involve sexual violence.

12.3 Allegations of discrimination, harassment, or retaliation that are untimely or that are reported to the OIED as concerns (and not submitted as a Complaint for formal processing) will be reviewed, investigated as appropriate, and addressed through corrective action (if

applicable) to meet the university's legal obligations. However, the OIED is not required to follow the formal process and has greater flexibility in handling and resolving these types of allegations.

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](#)

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 job 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 Institutional Equity and Diversity 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).

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](#)

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 Institutional Equity and Diversity (OIED). 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 OIED for approval. Only after a department has received notification of OIED 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) 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 OIED to discuss the hiring situation and the reason for a waiver.

3.4.2.2 If OIED 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 OIED 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](#)

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 Institutional Equity and Diversity (OIED) 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 OIED.

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 Institutional Equity and Diversity Responsibilities

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

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

5.1.3. OIED 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 OIED 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 OIED.

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

5.1.5. OIED 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 OIED 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 OIED to inquire about the status of one's training requirement fulfillment.

NC STATE UNIVERSITY

Office for Institutional Equity and Diversity