

EEO Plan
March 1,
2017

NORTH CAROLINA STATE UNIVERSITY

Equal Employment Opportunity Plan

March 2017

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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, **130 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:
<https://oirp.ncsu.edu/facts-figures/the-basics/university-organization>.

Commitment of Leadership

The leadership of North Carolina State University is committed to the annual review of the university's workforce to assess the state of affirmative hiring and retention practices. NC State values diversity among its students, faculty, and staff. In alignment with the university's strategic plan to "Enhance organizational excellence by creating a culture of constant improvement" this Equal Employment Opportunity Plan reflects the progress and identified areas of improvement needed to reach underutilized populations in our workforce as we continue to strive to make the NC State community a welcoming and inclusive environment as identified in our university's strategic plan.

W. Randolph Woodson, Chancellor

Date

Linda McCabe Smith, Vice Provost for Institutional

Date

**Equity & Diversity, Equal Employment Officer, and
Chief Diversity Officer**

**Section
9****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, religion, color, national origin, sex, age, disability, or genetic information (NC Gen. Stat. § 126-16).

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 age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status (NCSU POL 04.25.05, see appendix page 81). The University's nondiscrimination policy extends to recruitment, selection, hiring, compensation, promotion, training, and all other aspects of employment. 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, Title IX of the Education Amendments of 1972, 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 126-16 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 evaluation, promotion, transfer, reduction in force, termination, sponsored training, tuition assistance, and social and recreational programs are administered without regard to age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status.

In furtherance of this policy, NC State 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. NC State also provides reasonable accommodations in employment based on religion.

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 submits 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.

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.

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, supervisors and managers.

The Office for Institutional Equity and Diversity and the Division of Human Resources are key university partners 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 equal opportunity, and will make every effort to ensure the University community remains aware of these goals and obligations.

W. Randolph Woodson, Chancellor
NC State University

Date

Assignments of Responsibility and Accountability of Administrators, Managers, and Supervisors

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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 (Executive Vice Chancellor and Provost, Vice Chancellor and General Counsel, Vice Chancellor for Finance & Administration, 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 for 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 well as barriers to equal employment opportunity which cause under-utilization.

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

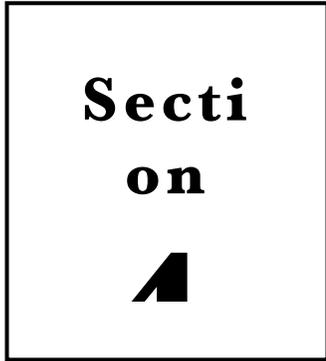
- **utilizing best efforts to achieve established placement goals and maintaining an equitably representative work force for the department, division, or unit;**
- **providing information on available resources for employees such as career counseling and workshops/seminars while ensuring that all employees 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 discrimination, harassment, and retaliation 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 Executive Vice Chancellor and Provost. 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 age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, 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 the primary point of contact 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, veterans, and persons with disabilities; and**
- **disseminating EEO/AA information throughout the University.**



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 2017 Equal Employment Opportunity Plan shall be distributed to the heads of all units. The Office for Institutional Equity and Diversity maintains a website explaining the University’s Equal Employment Opportunity Program that is widely accessible across the University. All modifications and amplifications of the EEO 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
Vacancy Postings	Associate Vice Chancellor for Human Resources	Continuous
Promoting Diversity in Recruitment, Hiring, and Retention Memo	Executive Vice Chancellor and Provost	Periodically

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 Administration	Continuous
Written notification of EEO Plan and basic content to public and private organizations interested in in employment opportunities for women and minorities,	Vice Provost for Institutional Equity and Diversity	Continuous

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community agencies, and leaders of secondary schools, colleges, and technical and business institutes		
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

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, classification, promotion, transfer, demotion, reduction in force, 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 ability status) 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.

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 with entitled VA Education benefits. A Veterans' Affairs Certifying Official is specifically assigned to provide assistance.

The administration of NC State University submits that this policy meets the requirements of the Vietnam Era Veterans Readjustment Assistance Act of 1974, 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 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 submits

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 if provided by the candidate, 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 modifies its personnel processes when necessary, and includes 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 required job qualifications provided in job descriptions 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 cognitive job qualification requirements whenever a job is vacated and the intent is to fill the position.

The university does not use pre-employment physical examinations or medical questionnaires 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 and

Title I of the Americans with Disabilities Act (ADA) 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 in Employment 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 the nature or operation of the 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 and Title I of the ADA 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, 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 the 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

Dr. Linda McCabe Smith as the Vice Provost for Institutional Equity and Diversity has been assigned the responsibility for implementation of the University's affirmative action activities. Her name and title are listed on all internal and external communications regarding the University's affirmative action program. Vice Provost Smith has been given necessary top management support and staff to manage the implementation of this program.

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The logo for Section 9 is contained within a black rectangular border. It features the word "Section" in a large, bold, serif font at the top, followed by the number "9" in a smaller, bold, serif font below it. A stylized, thick, black curved line, resembling a comma or a hook, is positioned below the number "9".

**Section
9**

Equal Employment Opportunity Planning

Composition of NC State Job Groups

Because of the differences in staffing patterns and procedures for EHRA (exempt from the State Human Resources Act) and SHRA (subject to the State Human Resources Act) employees, the employment categories are considered in four major job groups:

- 1. Executive, Administrative, and Managerial (EHRA/SAAO)**
- 2. EHRA Faculty (formerly EPA Faculty)**
- 3. EHRA Non-Faculty (formerly EPA Non-Faculty)**
- 4. SHRA Personnel (formerly SPA); this category also includes state employees classified as County Operations Staff, (or COS), and Law Enforcement**

SHRA Employees

SHRA Employees are employees 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 SHRA 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
- Division of Employment Security Data
- EEO Detailed Occupations of Civilian Labor Force by Sex & Race for Wake, Durham, Johnston, Chatham, Orange Counties
- Internal employee data

EHRA Employees

EHRA 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 Integrated Postsecondary Education Data System (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.

Equal Employment Opportunity Program Recruitment

**Section
7**

SHRA Employees

Human Resources (HR) has administrative responsibility for overseeing the processes for recruitment and hiring. Additionally, for SHRA employees, Human Resources oversees transfer, promotion, reassignment, demotion, 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 SHRA employees.

Advertising

To ensure compliance with state and federal laws, the Talent Solutions unit in Human Resources approves and coordinates the placement of advertisements and the screening of applicants.

Talent Solutions 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;

- participating in career/job fairs
- regular contacts with community organizations supporting minorities, women, veterans, and persons with disabilities;
- sharing of job openings with 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; and
- SHRA 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 Talent Solutions 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 SHRA employees and are posted as "Internal Candidates Only". Positions targeted to meet affirmative action goals must be posted externally.

Waiver of SHRA 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 Senior Director of Human Resources.

Application Process

Individuals interested in permanent University employment must complete an online Staff Application through the PeopleAdmin system. Departments may not accept employment applications or resumes other than those referred by Talent Solutions.

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/managerial exempt positions for reasons other than just cause.**

State Government Promotional Priority

Career 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 NCSU REG 05.55.08 (Background Checks).

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), relevancy to the position, and other information.

Testing

No pre-employment work tests (written, oral, physical, or skills) may be administered by the hiring department without prior approval from Talent Solutions.

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 Unit Equity Officer forwards the request to Talent Solutions. 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 SHRA 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 Human Resources Act (SHRA). 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 SHRA career band. Although OSHR exercises overall state-wide authority of the system, the 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 it 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, PeopleAdmin (PA). PA is the electronic system used to maintain, review and process classification, employment, 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 SHRA employees. Using the same process as above, supervisors submit requests for Human Resources to consider an adjustment on the basis of labor market conditions, equity, job change, or retention purposes.

In its efforts to facilitate parity among SHRA 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 Learning & Organizational Development (L&OD, <https://lod.hr.ncsu.edu>);
- 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 age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status.

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 SPONSORED PROJECTS ADMINISTRATION (T-SPA)** – 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** – Professional Development instructor-led courses and certificate programs are designed to serve as a refresher or develop new professional development skills. These programs provide NC State employees the opportunity to enhance job skills, knowledge and abilities thereby strengthening the services and operations of individuals and intact work teams. This includes leadership development, open enrollment offerings, leadership and policy certificate programs, customized training sessions, and organizational development initiatives are designed to develop new skills and abilities, foster career growth and help individuals and work teams be more effective personally and professionally.
- **ORGANIZATIONAL DEVELOPMENT SERVICES – L&OD** consultants partner with university leaders, work teams and individuals to build custom programs using tools, metrics and content that are utilized in our established leadership certificate programs. They design and develop the best solution to assist you and your team in achieving high team morale and greater productivity. Our solutions for strategic planning, goal setting and team-building sessions enable higher-performing work environments.
- **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 PROGRAM**– 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.
- **COMPASS ONLINE PROFESSIONAL DEVELOPMENT**
Our online professional development system, called the Compass, offers more than 3,200 online professional development courses in a wide variety of fields including project management, communication, and supervisory best practices, dealing with conflicts, strategic planning, IT and much more. This system provides access to more than 33,000 books and videos.
- **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>

EHRA Appointment, Promotion, and Salary-Setting Criteria

Faculty

NC State University has approximately 65 academic departments across its ten Colleges and one administrative unit (The Division of 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 <https://policies.ncsu.edu>. Evaluation for faculty promotion and salary increases is based on assessment 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 ranges are approved by NC State's Board of Trustees. Salary increases that exceed the established salary range or result in a salary that is beyond levels that are established by the UNC System are approved by the NC State Board of Trustees and the UNC 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 EHRA appointments. The Chancellor and/or the NC State Board of Trustees must approve appointments of tenured faculty and the Dean approves appointments for tenure track faculty.

The department head with the approval of the Dean and the Provost determines faculty 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. The most recent study conducted in 2013 did not find overall inequity campus-wide, but did show some issues in certain 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 based on discipline and college research: 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.

EHRA Non – Faculty

The College Dean, the Department Head/Chair, the Unit Equity Officer, and the University Affirmative Action Officer approve the salaries for new EHRA Non-Faculty hires in consultation with HR's Talent Solutions, using general ranges of pay that have been established to guide such appointments. Appointing and setting the salaries of EHRA 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 EHRA Non-Faculty personnel.

Performance Management

SHRA Employees

The management of employee performance is based on a process of work planning and performance review.

The SHRA Employee Performance Appraisal program (NCSU 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.**

Currently, each employee receives a work plan identifying key responsibilities and performance expectations on the SHRA 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 SHRA Work Plan 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 SHRA Work Plan and Performance Appraisal Form as well.

Effective April 1, 2017, SHRA employees will be subject to the University of North Carolina System SHRA Employee Performance Policy.

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 SHRA Grievance Policy](#). Resolutions of such cases are not appealable beyond the University.

EHRA Employees

NC State University requires that EHRA employees (both faculty and non-faculty) receive an annual review (NCSU REG 05.20.03 [Annual Reviews of Faculty Members] and NCSU REG 05.50.08 [Annual Review of EHRA Non-Faculty]). 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, 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

SHRA 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 SHRA 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.**

EHRA Non-Faculty Employees

The purpose of NCSU POL 05.25.03 (Review and Appeal Processes for EHRA Non-Faculty Employees EHRA Professionals and Tier II Senior Academic and Administrative Officers) 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 (Appointment, Performance Review, and Promotion Policies for County Extension Personnel).

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 EHRA 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>.

Informal Processes

Mediation

Covered employees may also seek to resolve their employment concerns and other disputes in accordance with NCSU REG 05.35.01 (Mediation Procedure for Faculty and Staff). Mediation is a structured 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.

Ombuds Program

The university implemented an ombuds program for faculty to assist in the support of faculty concerns. The program seeks to provide confidential resources to faculty members who are experiencing challenges in the workplace but are not ready or not interested in pursuing a formal complaint or grievance process at the time. The Ombuds does not issue sanctions or make any employment or personnel decisions, but helps the faculty member to identify necessary resources and to help find potential solutions or strategies to address the concerns raised.

SHRA Disciplinary Process

The University administers an SHRA Successive Discipline procedure (NCSU REG 05.70.01) for SHRA 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, sex, color, age, political affiliation, disability, religion or national origin. All disciplinary actions are subject to the approval of the appropriate administrators and the Associate Vice Chancellor for Human Resources who has delegated this responsibility 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, SHRA employees with career status must receive successive discipline as prescribed in this policy. Unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct constitute just cause for discipline up to and including dismissal. When just cause exists, the disciplinary actions provided under this policy are:

- written warning;
- suspension without pay;

- demotion; or
- dismissal.

Transfer and Separation

SHRA Transfer

To promote employee career mobility, the University encourages departments to consider internal employees for vacant SHRA positions. Transfer candidates must apply for specific vacancies. SHRA employees who achieved career status may be entitled to priority considerations for promotions over applicants outside of state government.

The Talent Solutions unit in HR provides the following transfer assistance:

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

SHRA Separation

The University requests written notice of resignation at least two (2) weeks in advance of the anticipated separation for SHRA. The employee's day of separation is the last day of work. An employee may be separated from NC State University as follows:

1. Voluntary Resignation with Notice
2. Voluntary Resignation without Notice, e.g., when an SHRA 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
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) (see Section 9 of this EEO Plan)
6. Death

EHRA Non-Faculty Separations and Exit Interviews

Employment in an EHRA 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, NCSU POL 05.15.01 (Employees Exempt from the State Human Resources Act [EHRA] Policy), 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 EHRA 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 Human Resources Act (EHRA) Policy (NCSU 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 EHRA position may be discharged for stated cause. Discharge for cause is to be distinguished from discontinuation of appointment with notice (NCSU POL 05.15.01, Section 3.1), expiration of a fixed-term appointment (NCSU POL 05.15.01, Section 3.2) and termination of employment because of financial exigency or program curtailment or elimination (NCSU 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. When an employee occupying an EHRA 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 SHRA and non-faculty EHRA 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

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

Permanent, SHRA 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**

Discrimination and Harassment Prevention Plan

Section 9

Objectives

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

- 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 including investigations.
- Disseminate unlawful workplace harassment policy and points-of-entry information in publications.

Responsibility for Implementation

University Equal Opportunity Officer: NC State 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 policies and procedures 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 discrimination and 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

Equal Opportunity and Non-Discrimination 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 (Performance Leadership and Pathways), policy and procedure programs (HR Academy and QuickStart), and 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

- **Discrimination and Harassment Prevention and Response (DHPR)**
- **Fundamentals in Equal Opportunity**
- **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. Additional information is available to employees at <https://er.hr.ncsu.edu/faculty-staff-assistance-program/>

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 (OIED).

Resolution Procedures

- 1. SHRA Employees:** SHRA employees alleging unlawful discrimination or harassment and wish to file through the SHRA 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 *SHRA 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 SHRA Grievance Supplemental Filing form to proceed with the grievance process. This will commence with the Step 1 Mediation in the formal SHRA 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 SHRA 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, it 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 SHRA 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 SHRA 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. EHRA and ALL OTHER EMPLOYEES (including SHRA who may not be eligible under or wish to file a formal SHRA 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 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.

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.

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 Annual Letter regarding policy and procedure on harassment:**
 - targets the entire population at NC State
 - contains specific information regarding policy and procedure
 - disseminated to all University employees

- 2 **Discrimination and harassment brochures and posters:**
 - targets the employee population at NC State
 - 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 **Electronic media (University webpages)**
 - targets the entire population at NC State
 - provides information regarding policies, procedures, resolution options, point-of-entry system

- 4 **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

- 5 **Online Discrimination and Harassment Prevention and Response 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 discrimination and harassment prevention and resolution efforts.

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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 SHRA 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 RIF procedure. 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 NC State 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 SHRA position must not be retained when a permanent SHRA 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 HR 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 SHRA Employee Grievance Policy; and**
- **notification that in order to be advantaged by re-employment processes, the employee must follow required application procedures.**

The NC State Reduction-in-Force regulation (NCSU REG 05.65.01, Reduction in Force-SHRA) is located at <https:policies.ncsu.edu/regulation/reg-05-65-01>.

Statistical Analyses

Section 1

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

➤ **EHRA & SHRA Job Group Analysis as of September 30, 2016**

- ❖ 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. In the Fall of 2015, employees were again asked to review and update their self-identities in the personnel management system and alerted to the opportunity to identify in the categories of ability and veteran statuses in accordance new reporting requirements from the Office for Contract Compliance Programs (OFCCP) based on changes to the Vietnam-Era Veterans Readjustment Assistance Act and Section 503 of the Rehabilitation Act.

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 SHRA 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.

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 and is reflected in this 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.”**
- **403 employees (5%) chose not to voluntarily provide their race and/or ethnicity. This number decreased 2% from last year’s unreported numbers.**

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