

EXTENSION

UtahStateUniversity

FIVE YEAR
CIVIL RIGHTS
PERFORMANCE PLAN
2014-2018

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Utah State University Extension Civil Rights/Affirmative Action “Performance Plan” 2014-2018

Goal Area I - Program Planning and Participation

Increase participation of people in underrepresented groups on county and statewide Extension advisory boards and expand participation in programs by those who have been traditionally underserved, including minorities and limited English proficiency persons.

Objective 1 - Partnerships & collaborations with other organizations & agencies

The most successful Extension programs often demonstrate partnerships and collaborations with other organizations and agencies. USU sponsored programs opportunities allow Extension to educate partners and collaborators about the mandate that USU Extension must design, develop and deliver programs that are intended to reach all audiences without discrimination. To ensure that these partnerships and collaborations recognize the importance of non-discrimination a signed Standard Form 424B (OMB Approval No. 0348-0040) by the duly authorized representative is required of all applicants for USU Sponsored Programs. In section 6 the applicant certifies they “Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.”

Objective 2 - Cultural competency and language training

Developing an increased understanding of the diverse cultures that Cooperative Extension serves is vital to its success and to attracting participation in programs, activities, and employment. All Extension personnel over the five year duration of this Performance Plan will engage in cultural competency training consisting of sessions in cultural awareness, cultural understanding, cultural knowledge, cultural interaction and cultural sensitivity. Training will be provided at regional staff meetings, annual professional development conferences and at other venues which bring together Extension personnel for training and instruction. On-line cultural competency informational materials will continue to be expanded on the Extension intranet site.

Objective 3 – Serving Limited English Proficiency populations

Utah State University Extension - Limited English Proficiency (LEP) Policy

The increased diversity in Utah populations brings with it a clientele who may have limited communication ability to speak and read English. Utah State University Extension has a commitment to our learners who have limited English proficiency. We conduct ongoing training in each region so that faculty and staff better understand the laws that prohibit discrimination on the basis of national origin. The following information is to

be used by faculty and administrators as they determine which measures they will take to ensure that extension programs are accessible to this population.

The following laws, codes and executive orders guide our behavior.

National Origin Discrimination: It is unlawful to discriminate against any employee or applicant because of the individual's national origin. No one can be excluded from participation in programs or denied equal employment opportunity because of birthplace, ancestry, culture or linguistic characteristics common to a specific ethnic group.

7 CFR, Part 15 is the Code of Federal Regulation that effectuates program accessibility and all other aspects of the civil rights laws for USDA.

Executive Order 13166 specifies provision of language assistance to limited English proficient (LEP) individuals.

Title VI, Civil Rights Act of 1964 prohibits against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin.

Four LEP factors to consider

There are four factors that determine whether or not Limited English Proficiency [LEP] services should be provided by Extension:

- (1) The number or proportion of LEP persons in the community;
- (2) the frequency of contact Extension has or should have with LEP persons;
- (3) the nature and importance of the benefit, service, communication, or information to the LEP person; and
- (4) the resources available to Extension, along with the costs of providing language assistance.

For USU Extension, when the proportion of LEP persons who speak English less than "very well" reaches 5% of the population of a county then that county should be ready to provide LEP services for that group of LEP persons. LEP services include bi-lingual Extension employees and the use of interpreters when needed (experience has shown that LEP persons often have their own interpreter with them when they call or go to Extension Offices.) If there are no Extension faculty in an office that speak the LEP person's native language then people who speak the LEP language from other agencies located in the same building may be utilized as volunteer interpreters.

Extension materials should be translated as warranted by the frequency of contact with Extension (including high levels of participation) of LEP persons in any particular program. Programs targeting LEP persons should include LEP services. The frequency of contact with each LEP population varies by county.

Participation in USU Extension programs, by their nature, is voluntary unless the service is in partnership with an organization where participants are mandated by the organization to attend. This might include participants in the Expanded Food and Nutrition Education Program (EFNEP) or Supplemental Nutrition Assistance Program (SNAP-Ed) who attend USU Extension Health and Nutrition Programs. USU Extension programs do not rise to the critical level of importance to the LEP person as do federal, state, or local agencies dealing with health care (hospital, EMT, or emergency care), law enforcement (police), legal services, or access to mandated federal benefits.

Individual faculty members are not constrained by the LEP policy from pursuing program expansion to other language groups based on their Plan of Work.

Extension personnel who have special knowledge of Hispanic culture or the Spanish language, or whose subject matter specialization is pertinent to the health and safety of Latino communities, are asked to make their expertise available through collaboration on projects, grants, and research that benefit Hispanic persons and communities.

Those producing instructional materials and programs for LEP persons should ensure that instructional content has been culturally adapted to be consistent with the target clientele's values and beliefs, as well as conveying information that will increase the group's understanding of how to operate in American culture.

Objective 4 - Increase diversity representation on advisory boards

Increase participation of underrepresented groups serving on program planning and advisory boards. An annual review of the composition of advisory boards serving with county affinity/commodity boards and overall Extension advisory boards will be conducted by each unit. Benchmarks will be established and annually reviewed to determine changes of participation by underrepresented populations on such advisory boards.

Objective 5 – Expand under-represented racial and ethnic group’s 4-H membership and volunteerism

Expand 4-H membership and volunteerism among under-represented racial and ethnic groups in Utah.

Increase the membership and parent involvement of underrepresented racial/ethnic minority group members in structured 4-H youth and family/community clubs and special interest and/or study groups.

- a. Annual comparisons from ES237 reports will be made to determine if increased membership numbers of underrepresented racial/ethnic minorities have changed as a result of statewide diversity training and 4-H actions from the previous year.
- b. Counties will annually convene Expansion and Review meetings to measure the effectiveness they are having in expanding 4-H programs to under-served youth groups.

Objective 6 - ADA accommodations and tracking

Adjust educational programs to accommodate and meet the needs and interests of clients with disabilities.

- a. A review of the ADA requirements shall be conducted with all county Extension offices. Physical facilities utilized for Extension programs will be reviewed for ADA compliance, and publication statements announcing programs will carry the Utah State approved accommodations statement: ***Special Needs.** For any special arrangements including dietary, physical accesses, or other accommodation requests, check here and Utah State University Extension will contact you. Fifteen working days is needed to facilitate special needs requested.*

Goal Area II - How Public Notification will be accomplished.

Utah State University is committed to nondiscriminatory notification of all stakeholders regardless of race, color, national origin, sex, age, or disability for the programs and activities provided throughout the state.

Objective 1 - Nondiscrimination advisement

Advise potential program recipients of program availability and requirements of nondiscrimination on the basis of race, color, national origin, sex, age, or disability.

- a. All reasonable efforts will be undertaken to inform potential program participants of Extension activities and programs. “All reasonable efforts” shall be defined as the minimum effort required of Extension personnel when conducting programs in ethnically diverse communities in order to achieve program participation reflective of racial parity within the community. All reasonable efforts shall be documented including the uses of mass media, personal letters, newsletters, personal visits to encourage attendance of underrepresented groups, and Extension action plans for inclusion of underrepresented groups in program efforts.

- b. All reasonable efforts will be made to develop, modify, and provide program materials for underrepresented groups including materials designed to accommodate language barriers, low literacy levels, and accommodation of those with disabilities.

Objective 2 – And Justice for All posters

Displaying the most current version of the “And Justice for All” poster – procedures for filing a complaint openly and clearly communicated to the public.

- a. The “And Justice for All” poster will be prominently displayed in each Utah Extension office and in public places regularly used and physically controlled by Extension educators at public meeting sites.

Objective 3 - Affirmative action statements

All publications printed at the state or county level should be available in the dominant languages in each county and will use the appropriate affirmative action statement. When possible these publications should also be made available to accommodate those with limited English proficiency.

The short statement will be used on letterheads, newsletters, job announcements, flyers and most brochures:

Utah State University prohibits discrimination and harassment based on race; color; religion; sex; national origin; age; genetic information; sexual orientation or gender identity/expression; disability; status as a protected veteran; or any other status protected by University policy or local, state, or federal law.

The long statement shall be used with brochures, fact sheets, and other numbered publications:

Utah State University is committed to providing an environment free from harassment and other forms of illegal discrimination based on race, color, religion, sex, national origin, age (40 and older), disability, and veteran's status. USU's policy also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions. Utah State University employees and student/client/clients cannot, because of race, color, religion, sex, national origin, age, disability, or veteran's status, refuse to hire; discharge; promote; demote; terminate; discriminate in compensation; or discriminate regarding terms, privileges, or conditions of employment, against any person otherwise qualified. Employees and student/client/clients also cannot discriminate in the classroom, residence halls, or in on/off campus USU-sponsored events and activities. This publication is issued in furtherance of Cooperative Extension work. Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Kenneth White, Vice President and Director, Cooperative Extension Service, Utah State University.

Objective 4 - Nondiscriminatory statements, photos, and graphics

Use nondiscriminatory statements, photos, and graphics to convey the message of equal opportunity in informational releases to the public. Extension will make all reasonable efforts to ensure that press releases, announcements, photographs, audiovisual, and other communication media convey equal opportunity regardless of race, color, sex, national origin, age, or disability. Documentation of accommodations made will be maintained by campus Extension specialists in personal civil rights files.

Objective 5 – Gender-neutral language

Use gender-neutral language in publications, communications, and programs. All educational materials shall be written and presented in such a manner as to eliminate the perception of gender bias in every Utah minority culture. Developers of publications will be encouraged to check all publications to ensure gender-neutral language and that appropriate civil rights statements are included in the publication.

Goal Area III - Civil Rights Training within Extension

Objective 1 – Staff training

The following specific plans and procedures for providing all staff training on civil rights and affirmative action are in accordance with regulations which include training on addressing complaints.

Continued diversity/cultural training will be offered to provide a better understanding of other cultures and to provide strength in programming from a variety of sources. Venues for presentation shall include the annual extension professional development meetings, new staff orientation and regional training venues.

Conduct civil rights training at all levels (orientation and in-service). Utah State University Extension and the Affirmative Action/Equal Opportunity Office provide regular professional development training for employees at all levels to enhance awareness and understanding of diversity issues and to increase their ability to reach out to the underserved and underrepresented in Utah. Field staff are encouraged to participate in training and discussions held periodically in county staff meetings.

Conduct civil rights training for dealing with the growing diversity in communities among actual and potential Extension clientele.

The approved state civil rights statement focusing on the employee's civil rights obligation shall be included in the official role statement of Extension faculty and staff. A review of individual employee application of the principles of civil rights applied in their extension assignment shall be reviewed annually by the employee's immediate supervisor.

Goal Area IV - Civil Rights Compliance and Compliance Reviews

Objective 1 – Compliance Reviews

Continue the implementation of a systematic procedure for conducting internal civil rights desk reviews including the creation of annual parity reports and face-to-face contact compared to US Census data. Both formal and informal reviews and follow up will be accomplished through the efforts of the civil rights liaison, County Director, and Regional Director.

County compliance reviews will be conducted once every five years for each county.

County reviews will include a review of the county civil rights records. The following areas will be monitored:

Compliance Review Questionnaire - County Extension Programs

1. Does the county have program client data by race, ethnicity, and gender?*

YES NO

Additional Program Areas

2a. Does the county have 4-H club summary data by race, ethnicity, and gender?***

YES NO

2b. Are location of Clubs identified on a county map?

YES NO

2c. Does the county have county camp data (Overnight and day camps) enrollment listings by race, ethnicity, and gender?***

YES NO

2d. Does the county have lists of scholarships by recipients' race, ethnicity, and gender?

YES NO

2e. Does the county have lists of State, district, or county events by participants' race, ethnicity, and gender?***

YES NO

Extension Advisory Councils/Boards, Program Committees

3. Extension Advisory Councils/Boards, Program Committees lists that summarizes the number of members on it by race, ethnicity, and gender?

YES NO

Volunteers

4a. Master Gardeners' summary by race, ethnicity, and gender?*

YES NO

4b. All 4-H Volunteers' summary by race, ethnicity, and gender?***

YES NO

4c. Other program volunteers' summary by race, ethnicity, and gender?*

YES NO

*Information generated from Digital Measures.

***Information generated from 4H online.

Program Mailing lists

5. All program mailing lists by race, ethnicity, and gender?

YES NO

6. Within the past five years have there been any civil rights complaints filed with USU Extension?

YES NO

If Yes, how many and how were the complaint(s) resolved?

7. Does the county use the appropriate affirmative action statements in their printed materials?

YES NO

8. Has the county been asked to provide ADA accommodations?

YES NO

9. Does the county display the “And Justice For All” poster?

YES NO

Goal Area V - Civil Rights Population and Clientele Projections (Parity Standards)

Objective 1 – Participant Pool

Annually each county will determine the population eligible to participate in county Extension programs. They shall use the most current US Census demographic information or most current projected demographics available.

a. The US Census 2012 estimate (Quickfacts) figures as shown in the chart below show the current statewide population by ethnicity and the numbers of face-to-face contacts made by Extension in 2012.

Ethnic Group	% Utah Total	Utah Ethnic Population	% And Number Population Reached in USU Cooperative Extension Program - 2012	
RACE		2,763,885	% Served	No. Served
White	91.9%	2,624,009	25.7%	774,322
Black or African American	1.3%	37,119	21.3%	10,054
Am. Indian and Alaska Native	1.5%	42,829	26.9%	15,270
Asian	2.2%	62,816	4.4%	5,100
Native Hawaiian and Other Pacific Islander	1.0%	28,553		
Persons reporting two or more races	2.2%	60,805		
ETHNICITY				
Hispanic or Latino	13.5%	376,898	13.4%	107,878
GENDER				
Males	50.2%	1,387,470	47%	394,295
Females	49.8%	1,376,415	53%	450,081

Denominator is based on 804,746 face-to-face contacts, the reported number of Utahans being served in 2012. This represents an equivalent of approximately 29% of the total of all race populations in the state.

Objective 2 – Face-to-Face Contacts

Each county will identify through the annual face-to-face contact reports the number of clientele contacted comparing that against the population of the county to establish parity goals.

The state parity goal in any given year is to serve the same percentage of each minority ethnic population as the total face-to-face contacts divided by the total state population. [See chart above]

Goal Area VI - Practices in Employment – Workforce Diversity

Objective 1 – Hiring Practices

USU Extension follows the USU Policy Manual in regards to hiring practices.

303.2 POLICY

2.1 Equal Opportunity

Equal Opportunity in employment and education is an essential priority for Utah State University (USU) and one to which the University is deeply committed. Utah State University is dedicated to providing an equal opportunity climate and an environment free from discrimination and harassment for faculty, staff, students, applicants and participants in all programs/activities sponsored by USU. In accordance with established laws and University policies, the University prohibits discrimination and harassment based on race; color; religion; sex (including sexual harassment, pregnancy, childbirth, or pregnancy-related conditions); national origin; age; genetic information; sexual orientation or gender identity/expression; disability; status as a protected veteran; or any other status protected by University policy or local, state, or federal law.

2.2 Affirmative Action

Affirmative Action is designed to redress imbalances of minorities and women in the workforce. U.S. Presidential Executive Order 11246 (as amended) requires federal contractors to take "affirmative" steps to recruit, hire, and advance minorities and women when incumbency is significantly less than estimated availability in the labor force. Utah State University proactively undertakes good faith efforts to reach affirmative action goals. While affirmative action goals are not established for protected veterans or people with disabilities, the University undertakes affirmative steps to recruit, hire, and advance people with disabilities and certain protected veterans (disabled veterans, other protected veterans, recently separated veterans, and Armed Forces Service Medal veterans), as required by the Rehabilitation Act of 1973 and the Vietnam Era Veteran's Readjustment Assistance Act of 1974 (VEVRAA) as amended by the Jobs for Veterans Act (JVA) of 2002.

The University's Affirmative Action Programs, including goals, are available for review at the Merrill-Cazier Library's reserve desk or the USU Affirmative

303.3 RESPONSIBILITIES

3.1 Action/Equal Opportunity (AA/EO) Office.

Responsible for developing annual Affirmative Action Programs (AAPs), monitoring affirmative action efforts and for providing equal opportunity counseling and training, as well as investigating complaints of illegal discrimination and/or harassment under this policy.

3.2 Office of Human Resources

Responsible for collecting data to assist in the affirmative action/equal opportunity effort. This office is also responsible for ensuring that all personnel policies and actions are in accordance with AA/EO laws and guidelines.

3.3 Department Heads, Supervisors, Deans, and Vice Presidents

Responsible for ensuring that employment decisions and treatment of students and participants in programs/activities sponsored by USU comply with principles outlined in this policy.

3.4 Employees, Students, Applicants and Participants in Programs/Activities Sponsored by USU

Responsible for bringing to the attention of the AA/EO Office any decisions, actions or behaviors felt to conflict with this policy.

Effective Date of Last Revision: July 1, 1999

387.1 POLICY

The Office of Human Resources is the official University employment entity for classified employment and is responsible to assure nondiscriminatory, equal opportunity practices in recruiting, screening, and/or testing of applicants for classified employment at the University without regard to race, color, religion, sex, national origin, age, disability, veteran's status, or sexual orientation.

Utah State University is also an affirmative action employer and in units underrepresented by minorities and/or women (according to their availability), the Office of Human Resources is responsible to ensure good faith efforts to seek and recruit individuals from these groups.

According to law, Utah State University will take affirmative steps to hire qualified veterans and people with disabilities.

Utah State University is committed to hiring only United States citizens or aliens lawfully authorized to work in the United States.

The University will employ minors only in accordance with applicable state laws and rules and federal laws and regulations.

Any questions regarding the hiring of classified staff should be directed to the Office of Human Resources.

387.2 PROCEDURES

2.1 Open Positions

(1) To initiate a search for a classified employee, the department head or director requests permission from the dean or vice president to fill an open position or establish a new one by submitting a Position Request Form.

If the request is approved, the completed Position Request Form is submitted to the Office of Human Resources to determine if a job description exists for the position. If there is no job description, a designated representative from the Office of Human Resources will assist the department head or director in completing the Job Description form. This form lists essential and nonessential functions for the position.

The Position Request and Job Description forms are reviewed by the Affirmative Action/Equal Opportunity (AA/EO) Office and returned to the Office of Human Resources.

All job openings (including internal searches) must be listed with the Office of Human Resources as soon as possible through completion of the Advertising Request Form by the department head or director.

(2) The Office of Human Resources, in consultation with the AA/EO Office, will contact the hiring department to determine search requirements based on circumstances and AA/EO needs from the following choices:

(a) Promote from within the department when there is only one employee who is clearly the most qualified and either there are no AA/EO needs or the appointment enhances departmental diversity.

(b) Search within the department when there are multiple qualified employees and AA/EO objectives will be met or are currently satisfied.

(c) Search within the University community when it is felt there are sufficient qualified University employees to compete for the open position.

(d) Select from a list of centrally held candidates who have priority status for interviewing.

(e) Search based on the appropriate external search process.

If a search is not required (2a or 2d above), the candidate selected must have the minimum qualifications for the position.

2.2 Recruitment

Classified job openings are kept open for seven calendar days if there is not an available pool of qualified applications at the Office of Human Resources. Jobs may remain open for longer periods for affirmative action or other reasons.

- (1) The Office of Human Resources will take the following steps to attract a broad and diverse pool of qualified applicants:
 - (a) provide recorded job lines that applicants can call for titles of current job openings.
 - (b) post job openings on the Office of Human Resources Job Board.
 - (c) announce internal searches on a dedicated job line, and send announcements to each department and to individuals who have indicated interest in particular areas. These openings will also be posted on bulletin boards around campus and advertised in campus newsletters, indicating the positions are only open to University employees who have been competitively hired through the Office of Human Resources or the Student, Part time and Temporary Employment Office.
 - (d) list jobs (except internal search positions) with Utah Job Service and other agencies.
 - (e) assist the hiring department with placement and wording of advertisements for the position. All advertising will include an AA/EO statement. For openings in units that are underrepresented by minorities and/or women, the Office of Human Resources (or search committee if one exists) will conduct an affirmative action search by advertising locally, and proactively seeking community resources to post/list job announcements to target applicants from these groups.
 - (f) provide a listing of job openings available via TTY, large print, audio, and Braille format upon request.
- (2) Advertising is not required when a position is changed from hourly to budgeted salary within a department and:
 - (a) the position for which the hourly employee was originally hired was listed and filled through a competitive process (either the Office of Human Resources or Student, Part-time and Temporary Employment Office),
 - (b) the job responsibilities and the base salary have not changed substantially,
 - (c) the new budgeted position has been approved through completion of the Position Request Form, and
 - (d) the individual was competitively hired, and has been employed on an hourly basis for at least six months.
- (3) Costs (such as advertising, employment agency fees, interview and recruitment travel, long-distance telephone charges, etc.) are the responsibility of the hiring department and must be authorized in advance by the department head.
- (4) If any change in the status or advertising information of a job opening occurs, the Office of Human Resources should be notified immediately to modify or stop further recruiting efforts.
- (5) If circumstances require that an opening be filled immediately, the University reserves the right to close the job opening in less than seven calendar days. This requires the prior approval of the Office of Human Resources. The University will conform to Affirmative Action/Equal Opportunity guidelines.
- (6) All advertisements will indicate to potential applicants that the University is an Affirmative Action/Equal Opportunity employer. In affirmative action searches, advertisers are encouraged to expand this statement to indicate that minorities, women, people with disabilities, and veterans are encouraged to apply.
- (7) All job applicants are required to complete an Employment Application Form. Application forms contain important information for applicants and critical releases they must sign. Completed application forms must be submitted as early as possible in the interviewing process. Under normal circumstances, no offer of employment may be made before the University receives the completed application form.

2.3 Selection

- (1) The Office of Human Resources will review applications and refer qualified applicants to departments for interviews. The candidate's employment application and a referral card will also be forwarded to the hiring department.
- (2) Search committees are not required for classified positions; however, if search committees are used, their composition must be reviewed by the Office of Human Resources and should consist of male, female, and ethnic minority members, when possible.
- (3) Employment applications received directly by departments must be forwarded to the Office of Human Resources. Tests administered outside the Office of Human Resources must be reviewed by that office for compliance with federal guidelines. The Office of Human Resources is responsible for maintaining complete official files, resumes, and tests for classified job openings.
- (4) All applicants for employment should provide names of individuals who can be contacted as professional references. Reference checks are normally made by the hiring department.
References are to be considered with all other sources of information about applicants.
Receipt of unsatisfactory responses constitutes grounds for denial/termination of employment.
False information supplied to the University, including, but not limited to, information supplied on resumes, application forms, or during interviews relating to experience, credentials, past employment, salary history, job responsibilities, or other personal information, is grounds for withdrawal of employment offer and/or termination of employment.
- (5) If the candidate selected does not meet departmental affirmative action goals, written justification must be submitted on why the selected person should be hired. The written documentation must include the name of the selected candidate and the reason for not meeting affirmative action goals, and be submitted to the dean or vice president for approval before an offer is extended to the individual. Upon approval of the dean or vice president, the documentation is sent to the Office of Human Resources for review. If the Director of the Office of Human Resources, in consultation with the AA/EO Office, approves the hire, the hiring department may make an offer to the candidate.
- (6) Once the selected candidate accepts the position, all other applicants' referral cards must be completed and forwarded to the Office of Human Resources. The referral card will include a written statement of the specific reasons for non-selection. Applications of unsuccessful candidates are retained by the Office of Human Resources for consideration for other job openings.

2.4 Hiring

- (1) The hiring department is responsible for hiring decisions for classified staff positions. Offers of employment may be made to the successful candidate either verbally or in writing.
- (2) The Employment Action Form will be submitted to the appropriate office for processing.
- (3) If the proposed salary is not within established ranges for the particular job classification, the hiring department must obtain prior approval from the Office of Human Resources. Department heads or supervisors must have any salary outside of these ranges approved before communicating salary information to the prospective employee.
- (4) Appointment of new employees is effective only when compliance with all applicable hiring policies and procedures (including the department's affirmative action goals) is confirmed.
 - (a) More than one person may be hired from one Advertising Requisition if the job responsibilities and skills qualifications are similar and funding is available.
 - (b) A department may make an offer to another member of the applicant pool if the original hiree ends employment within 3 months of hire.
 - (c) An individual who ended employment in good standing may return to his/her vacated position (at the same salary) if an offer has not been made to hire another individual for the vacated position.
- (5) The hiring department will be responsible for notifying applicants not selected. Supervisors should use care in conveying reasons for non-selection so as to preserve the dignity of applicants

and to keep the University free of possible liability. Assistance with this procedure can be obtained from the Office of Human Resources.

(6) A file containing information about each candidate interviewed will be retained by the hiring department for two years after the position closes.

2.5 Employment Eligibility Verification (I-9)

(1) All persons hired to work in the United States after November 6, 1986, must submit documents proving their identity and their eligibility to work in the U.S. as required by the Immigration Reform and Control Act of 1986. Any time after an offer of employment has been accepted, but before the third working day of employment, newly hired employees must complete a U.S. Department of Justice Form I-9 "Employment Eligibility Verification." This form is available through the Office of Human Resources. If the form is not completed by the third working day, the prospective employee will be paid for time spent on the job before being notified of noncompliance by the Office of

Human Resources or the Student, Part-time and Temporary Employment Office and placed on leave-without-pay status until the I-9 is filled out. Leave without pay will be for an indefinite period of time during which the new employee may not work. The hiring department will take full responsibility if the I-9 is filled out incorrectly and is responsible for paying any fines levied by the U. S. Immigration and Naturalization Service.

(2) If an alien employee is hired, but at a later time fails to maintain employment authorization (does not receive an extension of his/her visa within specified time limits), the employee will be placed on leave-without-pay status. For example, a J visa must be extended before the expiration date listed on the IAP-66 Form. An H visa will be adjudicated within 60 days of receipt of application by the U. S. Immigration and Naturalization Service, or interim employment authorization will be granted for up to 120 days.

2.6 Introductory Employment Period

Classified employees will have an introductory period of six months from the date of hire, during which their performance will be closely monitored. It is expected that all classified staff will become competent in their jobs during the introductory period. (See policy 395.)

387.3 RESPONSIBILITY

3.1 Department Heads and Supervisors

Responsible to administer hiring procedures according to this policy and coordinate a hiring procedures through the Office of Human Resources.

3.2 Office of Human Resources

Responsible for ensuring that correct hiring practices are followed and for designating who is responsible for recruitment and hiring. In addition, the Office of Human Resources will conduct a review at least annually, to ensure that all application procedures, tests, and other measures for classified employment are not discriminatory based on AA/EO categories listed on page 1 of this policy.

3.3 Affirmative Action/Equal Opportunity Office

Responsible for ensuring that good faith affirmative action efforts are undertaken to obtain a diverse applicant pool and to meet affirmative action goals. In addition, the AA/EO Office monitors all application procedures, tests, and other measures for classified employment on a yearly basis.

Open Positions – Faculty and Professional Employees

Number 394

Subject: Faculty and Professional Staff Employment

Covered Employees: Faculty and Professional Employees

Date of Origin: January 24, 1997

Effective Date of Last Revision: January 30, 2004

394.1 POLICY

Utah State University strives to employ highly qualified, competent faculty and professional staff employees while promoting equal opportunity and diversity. Utah State University prohibits discrimination in employment based on race, color, religion, sex, national origin, age, disability, veteran's status, or sexual orientation.

Utah State University is committed to hiring only United States citizens or aliens lawfully authorized to work in the United States.

Any questions regarding the hiring of faculty and professional staff should be directed to the Office of Human Resources (OHR) or the Affirmative Action/Equal Opportunity (AA/EO) Office. For additional issues related to hiring of faculty, see policy 404.

394.2 PROCEDURES

2.1 Permission to Open Positions

A. When a department head/director determines a need to fill an open faculty or professional (exempt) position, a **Request to Fill Open Position** form must be completed.

*NOTE: If this is a new position, a **New Position Request** must also be completed and sent through appropriate channels for HR and budget purposes.*

If the **Request to Fill Open Position** form is approved by the dean/vp, it is submitted to the AA/EO Office.

B. Request for a specific type of search should be based on departmental needs and Affirmative Action (AA) requirements. Departments are encouraged to contact OHR or the AA/EO Office to discuss the choices and requirements prior to completing the form. Information about meeting affirmative action requirements can be obtained through the dean/vp office, the HR Partners, or the AA/EO Office.

The types of searches to consider include:

6.2 waive normal search requirements in accordance with USU Policy Number 385

(Appointments of Opportunity);

6.3 promote from within the department when there is only one employee who is clearly qualified **and** there are no affirmative action goals for the specific job group or the action will meet the affirmative action goal;

6.4 search within the department when there are multiple qualified employees **and** there are no affirmative action goals for the specific job group or the action will meet the affirmative action goal;

6.5 search within the entire University community when it is felt there are sufficient qualified University employees to compete for the open position;

6.6 search based on the external search process.

NOTE: In accordance with USU Policy Number 398 (Reduction-in-Force [RIF]), HR maintains a list of individuals terminated because of a RIF. These persons have a "right to first interview" if they meet the requirements of a specific position and that position is equal to or less than the position they previously held. HR will contact the department to discuss this process when there are qualified individuals under Policy 398 for a specific position.

C. After comment by AA/EO, the **Request to Fill Open Position** form will go to the Provost's Office (for all positions relating to academic departments and Extension) or Vice President for Business and Finance (for all positions relating to nonacademic departments) for final approval. The form will be sent to OHR to:

1. Notify the department that the request has been approved.

2. Determine if an in-house job description exists for the position. If a job description does not exist, OHR will work with the department to develop an appropriate job description listing essential functions of the job.

If an open or University/Department-wide search is not required (B1 and B2 above), the candidate selected must have the minimum qualifications required for the position. Upon approval of the

Request to Fill Open Position form, the procedure may advance to “2.6 Appointment Procedures.”

D. If a search is required to fill the position, the department head or director will appoint a search committee. This committee will be appointed in consultation with and approval of the dean or vice president. The Dean/VP is responsible for promoting ethnic and gender diversity on search committees. One person will be designated as chair for the committee.

2.2 Advertising the Position

A. After the appointment of the search committee and **before advertising is placed (i.e., Exempt Positions Advertising Request approved)**, the following **MUST** be accomplished:

1. An OHR representative will meet with the chair of the search committee and/or an individual designated to provide administrative support to the search. This hiring orientation includes instructions on the advertising and hiring process. During the session, the OHR representative will:

306.9.1 review the job description for a listing of essential functions of the job;

306.9.2 present an orientation of the hiring process and respond to questions which might arise; and

306.9.3 provide a hiring packet containing hiring process information which includes (but is not limited to):

(1) a copy of “Procedures for the Employment of Faculty and Professional Staff;”

(2) an **Exempt Positions Advertising Request** form;

(3) **Applicants AA Information** cards (“green card”);

(4) an **Applicants Selection/Nonselection** form;

(5) a **Finalists Selection/Nonselection** form; and

(6) other forms and information as required.

2. A representative from the AA/EO Office must meet with the search committee **prior to submission of the Exempt Positions Advertising Request form**. This meeting will include, as a minimum:

a. discussion of the unit’s affirmative action status; assistance in developing proactive procedures to increase the diversity of the applicant pool (specifically women and minorities when there is underutilization) to reach unit goals;

b. discussion of AA requirements relating to veterans and persons with disabilities;

c. discussion of Equal Opportunity (EO) requirements and recommendations on conducting non-discriminatory searches; and

d. reviewing the Advertising Request form and position announcement as it relates to AA and EO issues and providing recommendations to the committee to assist them in finalizing these documents.

306 After the above meetings are completed, the chair of the search committee completes the **Exempt Positions Advertising Request** form, finalizes the position announcement and forwards the form with supporting documentation (the position announcement as a minimum) through the department head/director and dean/vp for their approval and then to the AA/EO Office for final review. The AA/EO Office will forward the completed form to OHR. The OHR is available to assist the search committee with the development and placement of advertisements. The following guidelines are recommended:

3. The position be advertised for a minimum of 30 calendar days from the date it first appears in the source with the widest circulation (i.e., for national advertising, *The Chronicle of Higher Education* or other national-level publications). If unforeseen circumstances warrant a shorter search, a memo explaining the circumstances and requesting such should be included with the **Request to Fill Open Position** form.

4. In order to seek a broad and diverse applicant pool, all faculty and professional positions will be advertised nationally.

5. A standardized advertising format, provided by the University, will be utilized wherever possible.

2.3 Search for and Review of Applicants

307 After an application is received, a letter of acknowledgment and the **Applicant AA Information Card** (with the name, job number and job title completed on the card), is sent to each applicant.

308 The committee screens each application according to the advertised criteria which is found on the full position announcement. This full position announcement is found, at a minimum, on the HR employment opportunities web site and should be referenced in all advertisements.

309 After the closing/review date specified in the advertisements, a list of finalists is developed. The names of all applicants are entered on the **Applicants Selection/Nonselection** form. Finalists are identified by entering “finalist” on the form. Those finalists to be interviewed on campus are identified by checking the “interview” column on the form. Reasons for nonselection, **based on the advertised qualifications**, are listed beside the names of those applicants not selected for further consideration.

AA/EO guidance suggests that at least three qualified candidates are identified as finalists to be interviewed. If the search fails to produce three qualified finalists, a memorandum must be forwarded with the **Applicants Selection/Nonselection** form (through the AA/EO Office to the Provost’s Office) which details reasons why approval is sought to interview fewer than three finalists and outlining, at a minimum, the following:

1. Efforts to obtain a broad and diverse applicant pool (i.e., advertising, networking, etc.).
2. If applicant pool is small, provide rationale for this. The forms and a copy of the curriculum vitae/resume of all finalists to be interviewed are given to the department head/director with the **Applicants Selection/Nonselection** form. A summary of the committee’s recommendations may also be included. The department head or director reviews the information and, if he/she approves, signs the form and forwards the information to the dean or vice president. The dean or vice president reviews the information and if he/she approves, signs the form, and forwards it, along with attached materials, to OHR. *NOTE: The signatures by the department head/director and dean/vice president indicates that: (1) they agree with the selections put forward by the search committee; (2) they agree that good faith efforts have been made to attract a diverse applicant pool when there is underutilization of women and/or minorities in the specific job group represented by the position; and (3) they agree that equal opportunity laws and regulations have been followed.*

The OHR forwards the form to the AA/EO Office to check for compliance with AA/EO guidelines. The AA/EO Office resolves any concerns and then forwards the packet to the President or Provost’s Office with a recommendation to approve or not approve. *NOTE: Interviews are not to be scheduled with finalists until the President/Provost’s Office has approved the **Applicants Selection/Nonselection** form.* If the committee (or department head/director or dean/VP) decides at a later date that persons indicated as finalists but not interviewed now need to be interviewed, they may do so by forwarding a copy of the curriculum vitae/resume of the person(s) to be interviewed to OHR. OHR will then send the **Applicants Selection/Nonselection** form through the AA/EO Office to the Provost’s Office for approval. If the person to be interviewed is a new applicant, a new **Applicants Selection/Nonselection** form must be marked as an “Addendum” and processed as outlined above.

2.4 Arranging and Conducting Interviews

The President or Provost's Office reviews the Applicants Selection/Nonselection Form and associated materials, resolves concerns, authorizes interviews, and returns the packet to the Office of Human Resources.

Those applicants not selected as finalists should be notified in writing at this time. Interviews are scheduled, conducted, and the top finalists are determined.

2.5 Making an Employment Offer

Following approval of the department head and the dean/vice president, an offer may be extended to the selected candidate. (If the selected candidate declines the offer, an offer may be made to any of the other finalists.) The Finalist Selection/Nonselection Form is then completed, listing all finalists and giving specific reasons for those not offered the position. The candidate must be informed in writing that the offer is subject to approval by central administration. Certain administrative positions as defined by the Board of Trustees will be subject to their approval. The form is then forwarded to the AA/EO Office and the President or Provost's Office for review. After review, the form is returned to the OHR.

2.6 Appointment Procedures

When the candidate accepts the preliminary offer, the **Employment Action Form** is prepared and forwarded to the dean or vice president. After the dean or vice president signs the form, it is forwarded to the Provost or Vice President for Business and Finance and then to the OHR. A copy is provided by OHR to the AA/EO Office.

For certain administrative positions, the President recommends the appointment to the Board of Trustees, who approve or disapprove the appointment. After final approval, official notice of appointment is sent to the selected candidate by the President.

When the **Employment Action Form** has all required signatures, the hiring department will communicate to the candidate that his/her appointment has been approved. Unsuccessful finalists must be notified by the search committee that the position has been filled.

2.7 Verifying Employment Eligibility (Completing an I-9 Form)

(1) All persons hired to work in the United States after November 6, 1986, must submit document(s) proving their identity and their eligibility to work in the U.S., as required by the Immigration Reform and Control Act of 1986. Any time after an offer of employment has been accepted, but before the end of the third day of employment, newly hired employees must complete a U. S. Department of Justice Form I-9 "Employment Eligibility Verification. This form is available through OHR.

(2) If the form is not completed by the third working day, the new employee will be paid for time spent on the job before being notified of noncompliance by the Office of Human Resources or the Student Employment Office and placed on leave-without-pay status until the I-9 is filled out. Leave-without-pay will be for an indefinite period of time during which the prospective employee may not work. The hiring department will take full responsibility for an I-9 application that has been accepted, but completed incorrectly and is responsible for paying any fines levied by the U.S. Immigration and Naturalization Service.

(3) If an alien employee is hired, but at a later time fails to maintain employment authorization (does not receive an extension of his/her visa within specified time limits), the employee will be placed on leave-without-pay status. For example, a J visa must be extended before the expiration date listed on the IAP-66 Form. An H visa will be adjudicated within 60 days of receipt of application by the U.S. Immigration and Naturalization Service, or interim employment authorization will be granted for up to 120 days.

394.3 RESPONSIBILITY

3.1 Department Heads, Directors, Deans and Vice Presidents

Responsible for ensuring the hiring procedures are followed according to this policy and for coordinating all hiring procedures through OHR and AA/EO offices.

3.2 Office of Human Resources and Affirmative Action/Equal Opportunity Office

Responsible for ensuring that sound and equitable hiring practices are followed and providing administrative, equal opportunity, and affirmative action guidance during the search for a qualified candidate.

Objective 2 - Maintain regular recruitment contacts with many groups, i.e. predominantly minority groups, women's groups, schools, colleges, and organizations.

Recruitment contacts are maintained for many groups. Mailing lists of organizations with large numbers of minority and women graduates/student/client/clients, as well as those who deal with veterans and people with disabilities are maintained. Recruitment letters are provided to these institutions and announcements are provided in national, federal, and state recruitment information banks.

Objective 3 - Utah State University is committed to providing comparability in salaries, if any salary differentials exist based on race, color, national origin, sex, religion, age, or disability a remediation process will be employed.

Institutional workforce analyses are conducted periodically with all Utah State University entities. Job families are designated and analyzed. Utilization analysis of both females and minorities is conducted and matched against utilization analysis goals by Utah State University units.

Objective 4 - Utah State University will analyze employee awards systems to ensure fairness and equity in consideration and awards.

Annually Utah State University and University Extension conducts a search for programs and employees who are exemplary in meeting diversity and civil rights goals and standards. Criteria are established for the awards and open nominations are solicited from university faculty and staff. Selection of outstanding employees and programs fostering diversity and civil rights is facilitated by a committee who is aware of the depth and breadth of university programs. Awards are subsequently presented in special recognition forums of the University.

Objective 2 – Filing AA/EO Complaints

a. Utah State University policy provides for a fair and impartial processing of complaints of discrimination. The University is committed to providing an environment free from harassment and other forms of discrimination based on race, color, religion, sex, national origin, age (40 and older), disability, or veteran's status. USU also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions. This policy is in accordance with applicable federal, state, and local laws, orders and policies, which include, but are not limited to: Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; Vietnam Era Veterans' Readjustment Assistance Act of 1974; Executive Order 11246 (as amended); the State of Utah Anti-Discrimination Act; and others as applicable. Utah State University employees and student/client/clients cannot, because of race, color, religion, sex, national origin, age, disability, veteran's status, refuse to hire; discharge; promote; demote; terminate; discriminate in compensation; or discriminate regarding terms, privileges, or conditions of employment, against any person otherwise qualified. Employees and student/extension client also cannot discriminate in the classroom, residential halls, or in on/off-campus USU-sponsored events and activities.

Filing a Complaint

(1) Any USU employee, job applicant, or student/extension client who feels he or she may have been the victim of discrimination, unfair employment practice, or sexual harassment may file a complaint with the Director of Equal Employment CSREES, USDA 1400 Independence Ave., SW., Stop 2296, Washington, DC 20250-2296, or Vice President Extension and Agriculture, 4900 Old Main Hill, Utah State University, Logan, Utah 84321-4900 or Affirmative Action/Equal Opportunity (AA/EO) Office, Old Main Room 161, UMC 1475, Utah State University, Logan, Utah 84322-1475 within 180 calendar days of the last alleged occurrence.

(a) Alleged incidences of harassment or discrimination occurring outside the complaint timeline also should be brought to the attention of the AA/EO Office for review.

(b) Complaints may be filed with the Utah Anti-Discrimination Department (UADD) in Salt Lake City, or the Equal Employment Opportunity Commission (EEOC) with regional offices in Phoenix, Arizona. Statutory time limitations will be provided by these organizations.

(2) The complaint is discussed by the complainant (employee, student/client/clients, job applicant) and the AA/EO Director. If the information given by the complainant is sufficient to establish that a potential violation

of the law has occurred, the AA/EO Director will explain what options are available to address the alleged violation. The complainant will then fill out, sign, and date a written complaint form outlining the issues, facts, and circumstances surrounding the alleged discrimination/harassment.

(a) A complaint is an allegation of discrimination/harassment. The purpose of investigating is to determine if discrimination/harassment has occurred. The AA/EO staff is committed to objectivity, reasoned thoughtfulness, and common sense in collecting and analyzing all available facts pertinent to each investigation. It is understood that no two sets of facts or situations are the same, and each investigation is conducted in an atmosphere of open-mindedness and fairness to all parties.

(b) If information is brought to the AA/EO Office and the person alleging discrimination/harassment chooses not to file a complaint, the AA/EO Office may file a complaint if there is sufficient reason to believe that discrimination/harassment has occurred.

(3) An inquiry/investigation is conducted and completed by the AA/EO Director within 35 calendar days of filing the complaint. The purpose of the inquiry/investigation is to gather the facts and substantiate or refute the complaint. The inquiry/investigation may include some or all of the following: collecting documents related to the case, interviewing persons having knowledge of the incident(s), or documenting the findings.

(a) Due to the damage that could result to the career and reputation of any person falsely accused of discrimination/harassment, all inquiries/investigations and hearings surrounding such matters will be designed, to the maximum extent possible, to protect the privacy of and minimize suspicion toward the accused, as well as the complainant.

(b) Retaliation against an individual who has made a complaint or has in any way participated in an inquiry/investigation is prohibited.

(c) An investigation report is sent to the appropriate supervisor (typically a dean or vice president). For faculty, in cases of a substantiated charge of discrimination/harassment, the dean or vice president must follow the procedures set for imposing sanctions (see policy 407).

Appealing a Decision

(1) If the complainant or respondent is not satisfied with the outcome of the inquiry/investigation, he/she has the right to file a written appeal outlining the specific issues, facts, or circumstances being appealed, to the Affirmative Action Appeals Committee (AAAC) within 10 calendar days of the announcement of the outcome of the AA/EO inquiry/investigation. This committee is selected by the President from the Affirmative Action Advisory Council.

(2) The AAAC will conduct a closed hearing limited to complainant, respondent, witnesses, and appropriate staff personnel (i.e., staff from the AA/EO Office, the Office of Human Resources and the University Assistant Attorney General) to examine the specific issues being appealed. The AAAC will present a written report of its findings, conclusions, and recommendations to the President of the University within 45 calendar days of filing the appeal.

(3) The President will review the recommendations of the AAAC and may accept or modify them. The decision of the President is final.

Use of Informal Methods

Nothing in this procedure should preclude using informal methods of compromise or settlement of disputes which are mutually agreeable to the interested parties.

Area VII - Administrative Oversight for the Performance Plan

Objective 1 – Civil Rights Staffing

Identify persons having the responsibility for lead staff for civil rights indicating the area(s) they represent and breadth of their responsibility; administrative sign-off authority for civil rights; and data preparation responsibility staff.

a. Kenneth White, Director

Directs overall system-wide policy and makes decisions relative to civil rights compliance and implementation in program and employment. Informs faculty and staff about civil rights and affirmative action requirements.

b. Stanley M. Guy, Liaison Civil Right

Provides day-to-day leadership for assuring civil rights policies and procedures are communicated to the statewide Extension system. Works with program leadership and regional directors in developing guidelines and procedures for assuring open access to programs and services offered by Extension educators. Coordinates the gathering of reporting information for the purposes of completing Extension mandated federal and state reports.

c. *Stacy Louck Sturgeon, Director University Affirmative Action and Equal Opportunity*

Works with Extension search committee chairs to ensure that University recruitment policies and procedures are being followed. Assists in federal reporting efforts and training. Represents Extension in University wide functions and cooperates with other university offices to enhance the commitment of Extension to affirmative action. Provides overall leadership for civil rights and affirmative action and equal opportunity compliance for Utah State University.