

Policy Statement Number: **PS-01**
Title/Topic: **Equal Opportunity Policy**
Effective Date: **2/5/2013**
Revision Number: **PS0001.R06**

I. PURPOSE

The purpose of this policy statement is to assert Louisiana State University's (LSU) commitment to provide equal opportunity for all qualified persons in admission to, participation in, or employment in the programs and activities which the University operates without regard to race, creed, color, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, mental or physical disability, or veteran's status, as well as to implement a procedure to address complaints for those who believe they have been subjected to discrimination and/or harassment in violation of this policy.

II. POLICY

Louisiana State University supports affirmative action and equal opportunity standards as set forth in the University's Affirmative Action Plan. The University's Affirmative Action Plan requires that all employees and applicants receive fair consideration for employment and that all employees are treated fairly with regard to recruitment, promotions, demotions, transfers, layoffs, furloughs, terminations, rates of pay and other forms of compensation, tenure, training, and other employment practices. This policy statement also affirms the University's policy regarding sexual harassment as outlined in the University's Policy Statements on Sexual Harassment (PS-73 and PS-95) as well as its policies and procedures related to disability as established in PS-26.

LSU complies with the provisions of Title IX, Title VI, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VII, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA) and applicable state law. The Associate Vice Chancellor for Human Resource Management or his/her designee (LSU Office of Human Resource Management, 110 Thomas Boyd Hall, Baton Rouge, LA 70803, 225-578-8200) is designated as the individual at LSU responsible for coordinating the University's compliance with these statutory provisions.

The University reaffirms and emphasizes its commitment to provide a workplace free from discrimination and harassment and to provide a means to address complaints of discrimination and/or harassment. LSU also reiterates its commitment and responsibility to protect its employees and students from discrimination, harassment, and retaliation for participating in the complaint process. This Policy Statement is not intended to infringe upon constitutionally guaranteed rights nor upon academic freedom. In considering allegations of discrimination and/or harassment, the University must be concerned with the rights of both the complainant and the accused.

All complaints of discrimination and/or harassment will be addressed. Substantiated cases shall result in appropriate discipline or other corrective action. The severity of the disciplinary action

shall be consistent with the seriousness of the act of discrimination and/or harassment. Additionally, under appropriate circumstances, the University may take action to protect its employees and students from harassment by individuals who are not employees of the University.

The Chancellor, Vice Chancellors, Deans, Directors, Department Heads, and all other supervisory employees are responsible for assisting the University in the implementation of this policy.

Anyone having questions regarding this policy or a complaint regarding a possible violation of this policy should contact the Office of Human Resource Management, 110 Thomas Boyd Hall, 225-578-8200.

Complaint Options

Any member of the University community who believes he or she has been subjected to discrimination and/or harassment in violation of this policy has a right and an obligation to report the conduct to any University official, supervisor, or the Office of Human Resource Management. No student or employee is required to report or make a complaint of discrimination and/or harassment to the person who is engaging in the problematic conduct.

Because discrimination and harassment may involve a wide range of behaviors and is, in part, a function of the way in which such behaviors are perceived, the way in which a given incident is appropriately treated depends on its effect upon the recipient as well as upon the specific behavior itself. For example, simply informing the individual through verbal or written communication that the behavior is unwelcome and should cease may be sufficient to end it. If this is ineffective or the situation is such that an individual is unwilling or unable to deal with it in this way, other means of addressing such concerns are provided in this policy.

To insure that situations that may involve discrimination and/or harassment are handled appropriately, Vice Chancellors, Deans, Directors, Department Heads, supervisory employees and any other University officials who receive a complaint or who become aware of a possible violation of this policy will immediately notify the Office of Human Resource Management for advice and assistance on how to respond to the complaint (Room 110, Thomas Boyd Hall, phone: 225-578-8200). The Office of the Dean of Students is responsible for addressing complaints involving student on student harassment and/or discrimination when neither the accused(s) nor the accuser(s) are employees of the University.

If an individual believes that he/she has been subjected to discrimination and/or harassment the individual may make use of both the informal and formal resolution procedures explained below.

Informal Procedure: Under the informal procedure, a complaint may be filed with the Office of Human Resource Management or a Vice Chancellor, Dean, Director, Department Head, or any other supervisory employee. Use of the informal procedure is optional and the individual can choose to bypass, discontinue, or initiate a formal complaint at any time during the informal process. The complainant, the person receiving the informal complaint, and the Office of Human

Resource Management will jointly determine how best to handle the complaint. The information reported to the University related to a complaint will be treated as confidential as possible with only those with a need to know being informed of the complaint.

Formal Procedure: If an individual opts to follow the formal procedure, an individual should file a complaint with the Office of Human Resource Management. A formal investigation of the complaint will be conducted to determine if sufficient evidence exists to conclude that a violation of the University's policy has occurred. The individuals involved in the complaint will be notified about its resolution.

All of these procedures will operate under the general principles of fairness and confidentiality and will be used in a way that attempts to ensure that a charge of discrimination and/or harassment is carefully reviewed to determine whether a violation of this or related policies has occurred and to further provide that the rights of both the complainant and the accused are protected. Substantiated violations of this policy will result in appropriate discipline or corrective action. Furthermore, employees, students, witnesses, and/or other participants involved in the complaint or its investigation are protected from retaliation of any form. Any employee violating the prohibition against retaliation may be subject to disciplinary action up to and including termination.

III. RECRUITMENT AND SELECTION

The University, through its recruitment and employment policies, will recruit and employ qualified personnel for all its diverse activities and will provide equal opportunities during the selection process and employment without regard to race, color, marital status, sexual orientation, gender identity, gender expression, creed, religion, sex, national origin, age, mental or physical disability, or veteran's status. The following guidelines are designed to achieve the recruitment and placement objectives set forth in the University's Affirmative Action Plan.

General Guidelines for Faculty, Classified, Other Academic, and Professional Positions

- A. Position advertisements and selection criteria will be developed in direct relationship to job requirements, University and LSU System policies (ex. PM-23) and applicable University standards.
- B. The recruitment process shall be conducted in a manner consistent with the goal of attracting a diverse pool of applicants. For certain vacancies, this could include placing advertisements in appropriate sources to attract minority and female candidates. The Office of Human Resource Management and the Office of Equity, Diversity, and Community Outreach serve as resources to hiring departments in determining the most appropriate strategies for recruiting minority and female candidates for vacancies at LSU. The level and classification of the vacancy will determine the scope of recruitment activities. Most full-time faculty and senior professional vacancies should be advertised regionally and/or nationally. All ads must include the statement "LSU is an Equal Opportunity/Equal Access Employer." Advertisements may include a salary range. All advertisements, including the scope of advertising effort (i.e. local, regional, or national)

and the advertising sources used, must be approved by the Office of Human Resource Management prior to publishing.

- C. All vacant regular full-time and part-time positions will normally be publicized at least within the University to ensure that all interested and qualified employees are aware of opportunities for promotion or transfer. Internal promotions are strongly encouraged.
- D. The minimum time between publication of an ad and the application deadline for Classified/Civil Service positions is 5 calendar days, and 14 calendar days for all other positions. All vacancies should be advertised far enough in advance to attract an adequate applicant pool.
- E. All pre-employment selection procedures, including credential reviews, interviews and reference checks, shall be conducted without regard to race, color, creed, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, mental or physical disability, or veteran's status.
- F. The use of search committees to fill vacancies is encouraged. Every effort should be made to have diverse representation. This may include females and minority representation on search committees, as well as members of the department, representatives from the Office of Human Resource Management, external constituents, and/or members of other academic or administrative departments. (Note: For faculty positions, the use of search committees does not replace the requirement for a vote of the eligible voting faculty in accordance with PS-36-T and PS-36-NT.)
- G. Records pertinent to the employment decision (ex., copies of advertisements, letters of application, resumes, replies to and from applicants, reference notes, interview notes, selection criteria) must be retained in the employing department for at least three years from the date the position is filled, and if not filled, three years from the date the posting/application period closed and made available to the Office of Human Resource Management upon request.
- H. Certain demographic information is collected from the applicant online at the point of application submission. To ensure accurate EEO data tracking and reporting, the hiring unit must indicate the applicant dispositions in the Applicant Tracking System.
- I. The Office of Human Resource Management may randomly select positions for monitoring and audit. This can occur pre- or post-selection. Selection procedures, as well as applications and resumes submitted by applicants will be reviewed when positions are monitored or audited.
- J. Additionally, positions for which LSU has determined that underutilization of females and/or minorities exists may be targeted for monitoring and auditing.

IV. ACTING OR INTERIM APPOINTMENTS

As a general matter, the University seeks to fill positions quickly with permanent hires. In some instances, however, the University must make temporary appointments on an Interim or Acting basis. “Interim” refers to a temporary appointment to a vacant post. “Acting” refers to a temporary appointment congruent to another employee holding the permanent appointment but is unavailable (ex. extended leave).

A. Non-Academic Administrator

While an Acting or Interim appointment for one year or less need not be advertised and filled on a competitive basis, appointing officials are encouraged to conduct a search at least within the department, school, college, or unit. Appointments of this nature must be approved in advance by Human Resource Management and requisite campus approvals must be obtained. Efforts should be made to identify women and minority candidates for such appointments.

B. Academic Administrator

This sub-section pertains to administrative positions that are academic in nature, including department chair and above.

1. While Acting or Interim appointments for one year or less need not be externally advertised, they must be filled at least on a competitive basis internally to the campus. Appointing officials are required to conduct a search at least within the department, school, college, or other overarching unit, depending on the scope of responsibility.
2. If a person to fill the permanent position has not been named, an Interim appointment may be extended beyond one year. The hiring authority or designee for this case will solicit input from constituency (e.g. faculty and staff in the unit or units of responsibility) and consider this input in making a decision to extend.
3. If a person to fill the permanent position has not been named, an Interim position can be extended beyond year two after considering the results of annual performance review from the constituency and obtaining written authorization from the line officer of the appointing authority or the Chancellor for all positions other than the Chancellor.
4. An Acting or Interim appointment will not be changed to a permanent position without an advertised search process that is normally required and routine for that position.

V. OTHER EXCEPTIONS TO THE ADVERTISING GUIDELINES (WAIVERS)

In some circumstances, exceptions to the aforementioned guidelines may be permitted. In these situations, the normal advertising requirements are not required or may be waived/limited.

Examples of situations in which advertising waivers may be approved include the following personnel actions:

A. Visiting Faculty and Internship Appointments

If the internship program has been pre-approved by the Office of Human Resource Management, appointments need not be advertised and filled on a competitive basis. If a visiting faculty appointment will exceed one year, it must be advertised.

B. Temporary Appointments (180 days or less)

Such appointments need not be advertised unless they could result in a permanent appointment. A waiver request is not required for appointment that will not exceed 180 days.

C. Promotions from within a Department, College, or Unit (Non-faculty, Non-administrative)

When a vacancy occurs, the employing department may request an exception to the advertising guidelines from the Office of Human Resource Management in order to promote an employee who is currently employed within the department or unit where the vacancy exists. All qualified employees in the department or unit where the vacancy occurs must be considered for the promotion. After the department has selected the employee to fill the position, the Office of Human Resource Management will, before approving the appointment:

1. Review the qualifications of the position and determine if the selected employee meets the minimum qualifications required for the position,
2. Review the qualifications of all other qualified employees within the department or unit who have applied for the position, and
3. Review the University's Affirmative Action Plan's utilization analysis to determine if underutilization of female and/or minorities exists within the EEO category in which the vacancy occurs.

NOTE: Promotions to or in faculty rank must either result from a competitive external search or part of the formal promotion and tenure review process. Advertisement may not be waived.

D. Extraordinary Circumstances

Where justified, an exception to the normal advertising guidelines may be granted in any extraordinary circumstance (ex. candidate possesses unique exceptional qualifications). It will be incumbent upon the hiring authority to provide justification and appropriate documentation where applicable. In cases related to academic administrative positions that

are at the level of department chair and above, written authorization must be obtained from the line officer of the appointing authority or the Chancellor for all positions other than the Chancellor. The Office of Human Resource Management will review exception requests for all other positions.

Any questions pertaining to Policy Statement 1 should be directed to the Office of Human Resource Management in 110 Thomas Boyd Hall, 225-578-8200.