

# **NOTICE OF NON-DISCRIMINATION, NOTICE OF ACCESSIBILITY AND EQUAL EMPLOYMENT OPPORTUNITY (FORMERLY AFFIRMATIVE ACTION) PROGRAM**

The purpose of the Equal Opportunity Program is to affirm Fort Hays State University's commitment to providing equal opportunity and access in all areas, including employment, admission, financial aid, housing, academic programming, athletics and student organizations.

## **Notice of Non-discrimination**

Fort Hays State University does not discriminate on the basis of gender, race, religion, national origin, color, age, marital status, sexual orientation, disability or veteran status in its educational programs, employment and all other activities. In addition, the university does not discriminate on the basis of a person's genetic information. FHSU is committed to an environment in which students, faculty, administrators, and staff work together in an atmosphere free from all forms of discrimination, harassment, exploitation and intimidation, including, but not limited to, verbal, physical, or written behavior directed toward or relating to an individual or group on the basis of their protected class status.

Individuals who believe they have been discriminated against or harassed on the basis of their protected class status or are victims of sexual harassment should report such acts to the university Equal Employment Opportunity Officer who will assist the grievant in seeking redress through the appropriate procedure. The university's Discrimination and Harassment Complaint Procedure applies to grievances involving students, administrators, faculty or staff. The EEO Officer may be contacted at 600 Park Street, Hays, KS 67601, (785) 628-4033.

## **Notice of Accessibility**

Fort Hays State University will ensure that no qualified person with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of inaccessibility to employment, education programs and all activities of Fort Hays State University. For information pertaining to services, activities, and facilities that are accessible to persons with disabilities, contact Disability Student Services, Kelly Center, Picken Hall Room 111, 600 Park Street, Hays, KS 67601, (785) 628-4401.

## **Equal Employment Opportunity (formerly Affirmative Action) Program**

It is Fort Hays State University's policy to recruit, hire and promote persons in all job classifications without regard to gender, race, religion, national origin, color, age, marital status, sexual orientation, genetic information, disability or veteran status. Every individual has the right to expect that such personnel actions are made on the basis of job-related criteria only.

### **Objectives of the Program**

- A. Maintaining open and fair recruitment practices which will provide equal opportunity and encouragement for all qualified job applicants.

- B. Remedying any salary discrepancy that can not be explained by job duties, experience or other non-discriminatory factors.
- C. Maintaining fair and equitable conditions for the promotion of all employees in the institution.
- D. Increasing the utilization of minorities, women and the disabled at all levels in all units and departments of the university.
- E. Designing and implementing ongoing audits, research and reporting systems to set, evaluate and measure equal employment opportunity goals.
- F. Developing training programs designed to assist those responsible for hiring, promotion and supervision in complying with the university's equal employment opportunity policy.
- G. Publishing and disseminating all university policies concerning equal employment opportunity.

### Administration of the Program

The President of FHSU is ultimately responsible for the university's Equal Employment Opportunity Program (hereinafter "the program").

The EEO Officer will implement and monitor the program and work to ensure that all matters relating to employment of faculty and staff are in compliance with the program.

If a conflict of interest arises involving the EEO Officer, the President will select a person to fill the role on an interim basis.

The EEO Officer's responsibilities include:

- A. Administering the program and providing assistance to all levels of management in all departments and units in carrying out the provisions of the program.
- B. Serving as a liaison between the university and enforcement agencies, minority and women's organizations, and community action groups concerned with employment opportunities for minorities, women, disabled persons, veterans and all other protected classes.
- C. Updating the program as necessary to comply with changes in applicable laws and regulations.
- D. Auditing of hiring and promotion patterns to set appropriate goals and to ensure that the goals and objectives of the program are met.
- E. Monitoring job searches for compliance with internal policies, external laws and regulations and the overall goals of Equal Employment Opportunity.
- F. Maintaining audit and reporting systems that will identify deficiencies in hiring, promotion and salary payment practices.
- G. Making recommendations to remedy any such deficiencies in hiring, promotion and salary payment practices.
- H. Compiling and distributing periodic reports on the status of the university's employment of minorities, women, disabled persons and veterans.

- I. Receiving, investigating and resolving complaints regarding employment discrimination and harassment. Such resolutions may include mediation, no action or recommending disciplinary action.
- J. Disseminating information concerning the university's Equal Employment Opportunity Program policies, and compliance with laws and regulations pertaining to equal employment and harassment.
- K. Developing and implementing training programs regarding the prevention of harassment and discrimination in the workplace. Such training is mandatory for all new employees with an appointment of .5 FTE or greater, except for student employees and anyone who is to be employed for six months or less. The training will be conducted at the time of the initial meeting between the new employee and a representative of the Personnel Office. Periodic training refreshers will be provided to all current employees on a regular basis.
- L. Developing a written EEO plan which complies with requirements established by the Office for Federal Compliance Programs (OFCCP).

### Recruitment and Selection Processes

Recruitment and selection of employees will demonstrate a commitment to recruit and hire qualified minorities, women, disabled persons and veterans.

#### A. Recruitment Areas

The recruitment area for unclassified positions is defined as the entire United States. For classified positions, the recruitment area is defined as those areas from which employees can reasonably be expected to commute to Hays.

#### B. Recruitment Sources

Each hiring authority will strive to gain as much diversity as possible in search procedures. Methods and sources to be considered in the recruitment of members of protected classes include:

- 1. Campus-wide and local media
- 2. Newspapers, newsletters and journals with minority and female audiences
- 3. Professional journals, job registries and other publications
- 4. Online media

#### C. Recruitment and Selection Guidelines

- 1. Records of efforts to locate qualified persons in protected classes must be retained by the EEO Officer for three years.
- 2. Notices
  - a. Notices of available positions must be published in appropriate local, regional and national publications.

- b. Notices may not indicate any preference, limitation or specification based on gender, unless gender is a bona fide occupational qualification for the available position.
- c. Each notice will include the following statement: **Fort Hays State University is an Equal Opportunity Employer and does not discriminate on the basis of gender, race, religion, national origin, color, age, marital status, sexual orientation, genetic information, disability or veteran status.**

### Internal Candidates

No person who is serving or has served on an interim basis may be a candidate for that same position, when a search is conducted to hire for the position on a permanent basis.

Exceptions can be granted by the President of the University in exigent circumstances. Examples of such circumstances may include positions for which there are few qualified candidates, and positions that rotate among persons in a small department.

The purpose and intent of this prohibition is to promote a fair and open-ended search process. Allowing persons currently serving as an interim in the position being searched for to be a candidate for the permanent position may discourage other applicants for the position, may unduly influence the search committee, and therefore subverts the intent of this prohibition.

### Salaries

Salaries and wages shall not be related to nor based on the gender, race, religion, national origin, color, age, marital status, sexual orientation, disability, or veteran status of any employee. As members of these protected classes are hired, their salaries and level of employment must compare favorably with other newly hired employees with the same qualifications. Officials responsible for final salary and wage decisions periodically will review existing salaries to ensure compliance with this policy. If necessary, the EEO Officer and other appropriate personnel will recommend a readjustment of salary recommendations to correct inequities.

### Fringe Benefits

In addition to salaries and wages, any employment benefits appropriate for FHSU employees who receive all or part of their salaries from the State of Kansas will be applicable to all personnel regardless of gender, race, religion, national origin, color, age, marital status, sexual orientation, disability, or veteran status.

- A. All insurance, annuity and other such contracts shall be examined and where unwarranted difference based on gender exist, efforts shall be made to rectify discrepancies.
- B. Reasonable time off without penalty shall be granted equally to men and women for necessary emergency family care.
- C. Maternity leaves shall be made available with no career penalties attached.
- D. Any female employee shall be allowed to continue working during pregnancy for as long as her physician certifies that she is able to do so.
- E. Pregnancy or childbirth requiring a leave of absence shall be treated as a temporary disability.

## Special Regulations

- A. Marital status or the prospect of marriage shall not be a condition for employment.
- B. Employment of a qualified person shall be made without regard to family relationships such a person holds with other faculty or staff members except in areas of financial management or where the appointment involves supervisory relations or participation in administrative decisions affecting salary, promotion or tenure of a family member.
- C. Efforts shall be made to place women and minorities in administrative roles from department level through top administration.
- D. All those at any level responsible for committee assignments shall make genuine efforts to ensure that women are represented on policy and decision-making committees to the proportion of their presence in the university work force as a whole.

## Contractors

Any university contractor must be an Equal Opportunity Employer.

*Adopted by Cabinet 10/05/2011*