

## **Policies on Equal Employment Opportunity/Affirmative Action**

### UNIVERSITY POLICY PROHIBITING DISCRIMINATORY HARASSMENT

#### 1. Harassment Prohibited

It is a violation of University policy for any University employee or student to subject any person to harassment on University property or at a University-sponsored activity.

#### 2. Harassment Defined

Actions constitute harassment if

- a. they substantially interfere with another's educational or employment opportunities, peaceful enjoyment of residence, physical security, and
- b. they are taken with a general intent to engage in the actions and with the knowledge that the actions are likely to substantially interfere with a protected interest identified in the subsection above. Such intent and knowledge may be inferred from all the circumstances.

#### 3. Freedom of Speech and Academic Freedom

Neither this nor any other university policy is violated by actions that amount to expression protected by the state or federal constitutions or by related principles of academic freedom. This limitation is further described in the ASU First Amendment Guidelines, the current version of which supplements this policy and is available in the Office of the General Counsel.

#### 4. Relationship to the work of the Campus Environment Team (CET)

If harassment is discriminatory, it falls within the education, information gathering, and referral functions of the CET. Harassment is discriminatory if taken with the purpose or effect of differentiating on the basis of another person's race, sex, gender identity, color, national origin, religion, age, sexual orientation, disability, other protected veteran status, or Vietnam era veteran status.

### GENERAL POLICIES

In making personnel and other decisions, the responsible university hiring officials, committees, groups, and individuals are guided by the following:

#### 1. Qualifications

Departments establish the required and desired qualifications necessary to perform the essential functions of jobs advertised. Only individuals meeting the established qualifications will be employed and/or promoted. Any department or division using a test to ascertain qualifications of employees or applicants for employment is responsible for establishing its validity in accordance with federal regulations and for maintaining an approved copy of the test on file in the Office of EO/AA.

#### 2. Hiring

Only individuals meeting the established qualifications will be employed and/or promoted. University employee selection decisions are made on the basis of job-related qualifications and not on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, citizenship, age, disability, special disabled veteran status, other protected veteran status, recently separated veteran status, or Vietnam era veteran status, except where sex or age is a bona fide occupational

qualification. Among finalists for a position, primary consideration will be given to meeting affirmative action objectives.

3. Training

To the extent resources permit, the university, as well as individual departments and divisions, provide on-the-job and other training programs designed to improve the skills required to perform assigned duties and to enhance opportunities for transfer and promotion. Available training programs are open to all eligible employees.

4. Benefits

The university reviews any changes in benefit policies and practices to ensure compliance with the university's equal employment opportunity policy and reviews existing benefit policies and practices whenever required by changes in laws or regulations.

5. Pay

Faculty and staff job categories, pay rates, and duties are established in accordance with the concept of equal pay for equal work, and pay decisions are made without regard to race, color, religion, sex, gender identity, sexual orientation, national origin, citizenship, age, disability, special disabled veteran status, other protected veteran status, recently separated veteran status, or Vietnam era veteran status. In addition, salary adjustments will be studied annually with regard to pay equity for all employees. However, before implementation of salary adjustments, responsible officials will review the adjustments for salary equity.

6. Promotion and Tenure/Continuing Status

Faculty and academic professional promotion and tenure/continuing status decisions are made without regard to race, color, religion, sex, gender identity, sexual orientation, national origin, citizenship, age, disability, special disabled veteran status, other protected veteran status, recently separated veteran status, or Vietnam era veteran status. Promotion and tenure/continuing status policies and practices are communicated to employees and administered in accordance with the university's equal employment opportunity and affirmative action policies.

## **POLICY DISSEMINATION**

### **INTERNAL DISTRIBUTION**

ASU disseminates its policy statement on equal employment opportunity and affirmative action internally as follows:

1. The policy is included in the Academic Affairs Policies and Procedures Manual, and the Staff Personnel Policies and Procedures Manual; these policy manuals are on the web at [www.asu.edu/aad/manuals](http://www.asu.edu/aad/manuals). The ASU General Catalog and the ASU Graduate Catalog also contain general EO/AA statements. Equal opportunity/affirmative action policies and related material are also on the EO/AA Office website ([www.eoaa.asu.edu](http://www.eoaa.asu.edu)).
2. The president of the university frequently communicates this policy, along with his endorsement, to the provosts, vice presidents, deans, directors, and department heads.
3. Deans, directors, and department heads communicate this policy to faculty and staff within their departments, schools, and colleges. All management personnel within the university are responsible for making staff under their direction aware of the university's affirmative action program.

4. Explanations of this policy and related procedures are included in the university's orientation program for new employees.
5. Equal employment opportunity posters are displayed conspicuously in various places on campus.
6. Copies of the "Arizona State University Affirmative Action Plan" are housed in the Office of the Arizona Board of Regents, the president's office, each provost and vice president's office, each college, Hayden Library, Fletcher Library, the Polytechnic Campus Library, and the Office of EO/AA.
7. Illustrations of employees in university publications include members of protected groups.

#### EXTERNAL DISTRIBUTION

ASU disseminates the policy statement on equal employment opportunity and affirmative action externally as follows:

1. University job advertisements, position announcements, and other printed materials for the public state that the university is an equal opportunity/affirmative action employer.
2. An appropriate equal employment opportunity/affirmative action clause is incorporated in purchase order forms, leases, and contracts and/or business agreements to which the university is a party.
3. Illustrations of employees that may be in job advertisements and other printed materials include members of protected groups.

#### IMPLEMENTATION AND INTERNAL MONITORING RESPONSIBILITIES

##### PRESIDENT

The university president has the ultimate responsibility for the implementation of ASU's affirmative action program. To ensure effective program implementation, he has delegated authority and responsibilities for it throughout the university's structure. Additionally, administrators are evaluated annually on their efforts toward affirmative action.

##### DIRECTOR OF EQUAL OPPORTUNITY/AFFIRMATIVE ACTION (EO/AA)

Authority for developing, monitoring, and recommending improvements to ASU's equal opportunity and affirmative action programs has been delegated to the Director, EO/AA who reports to the Vice President University Administration/General Counsel. The responsibilities and authority of that office include, but are not limited to:

1. developing an equal opportunity and affirmative action policy and devising means to communicate that policy internally and externally
2. designing meaningful equal opportunity and affirmative action programs and monitoring their effective implementation by all university work units
3. assisting the president, provosts, and vice presidents in identifying problem areas throughout the university and recommending solutions to these problems
4. assisting the president, provosts, and vice presidents in developing and implementing a personnel tracking system to report all equal opportunity and affirmative action activity
5. designing and administering an internal audit program designed to measure the effectiveness of the programs in place, indicate the need for remedial action, and determine the degree of attainment of program objectives

6. serving as a liaison between the university and appropriate federal and state agencies, protected group organizations, and community action groups concerned with equal opportunity and/or affirmative action, and
7. reviewing and advising regarding goals to hire women and minorities.

The Office of EO/AA is located in Wilson Hall 122, (480) 965-5057; TTY (480) 965-0471. The office is open from 8-5 Monday-Friday. Barbara Mawhiney is the Director, EO/AA as well as the ASU Title IX and ADA coordinator.

#### **PRESIDENT, PROVOSTS, VICE PRESIDENTS, and DIRECTOR, EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

The president, provosts, vice presidents, and Director, Equal Opportunity/Affirmative Action are responsible for:

1. assuring that the program objectives outlined in the university's Affirmative Action Plan are carried out to the fullest extent possible in their respective areas
2. establishing and implementing action-oriented programs to address each area of underutilization
3. directing management staff to fully participate in meeting the established program objectives, and
4. assuring that all supervisors and other staff understand and observe the university's equal employment opportunity and affirmative action policies.

#### **MANAGEMENT STAFF**

All management staff share in the responsibility of:

1. implementing the program objectives outlined in the university's Affirmative Action Plan
2. implementing effective equal employment opportunity through affirmative action policy on a daily basis
3. assuring that action oriented programs work successfully
4. assuring search committees practice affirmative action in providing equal employment opportunity
5. informing staff to bring general or specific equal employment opportunity and affirmative action problems to the attention of department managers or the Director, EO/AA, and
6. assuring that no employee or student is subjected to harassment or retaliation for identifying EO/AA related problems to management or responsible officials.

#### **SUPPORT OF COMMUNITY ACTION PROGRAMS**

Members of the University community engage in continuous interaction with community groups representative of the protected classes. Faculty and staff serve on boards and commissions and participate in community and professional academic organizations working toward equity. University research centers assist local agencies with grant applications as well as conduct research for various community groups. Citizen advisory boards to the president, colleges, KAET-TV and other units on campus keep the university apprised of the community's diverse needs. These advisory boards also provide input on institutional policies and procedures to help assure the provision of equity through affirmative action. The University

provides support to and receives support from a wide variety of protected class community organizations. These linkages continue to develop and are an example of the University's commitment to diversity.

### **RACE/SEX/AGE DISCRIMINATION GUIDELINES**

1. Arizona State University does not discriminate on the basis of race, sex or age in employment, application for employment, compensation, benefit programs, training opportunities, or any other employment or educational program or activity.
2. University policies and procedures mandate the assessment of applicants and employees on job-related criteria without regard to race, sex or age, unless sex or age is a bona fide occupational qualification. Each job applicant is evaluated on his or her individual qualifications and ability to perform the essential functions of the particular job.
3. All employment advertisements appearing in newspapers or other media are placed under nondiscriminatory headings.
4. ASU provides men and women the same employment opportunities, wages, hours, conditions of employment, and employer contributions to insurance, retirement, and other benefit programs. Sex-based criteria are not used in determining salaries.
5. All administrative, management, and supervisory level positions are open to qualified applicants regardless of race, sex, or age.
6. There is no distinction or discrimination between married and unmarried applicants or employees of either sex.
7. In accord with state and federal laws, ASU does not deny employment because of pregnancy. Maternity leave is provided through sick leave policies that apply to women employees who take time off for pregnancy, childbearing, and/or related conditions (See ACD 702-02, 702-03; SPP 701-01, 705-02). ASU does not penalize women in terms of conditions of employment because of pregnancy and childbearing. Furthermore, following childbirth, a woman employee who indicates her intent to return within a reasonable time shall be reinstated to her former position or to a position of like status and pay without loss of pay or benefits.
8. The employee leave policies apply to men and women employees who take time off for child-care purposes.
9. ASU does not have an exclusionary policy regarding women with children.
10. ASU has sufficient facilities, such as washrooms, for women and men employees.
11. To provide equal access to all training programs, employees are advised of training opportunities through the [ASU Insight](#) and Human Resources' websites.
12. ASU has the same mandatory and optional retirement policies for all eligible employees.
13. ASU has a policy and complaint procedure to address allegations of sexual harassment. (See Appendices)

### **RELIGION AND NATIONAL ORIGIN DISCRIMINATION GUIDELINES**

1. ASU does not discriminate against employees or applicants for employment on the basis of religion or national origin.

2. Internal procedures contribute positively to the university's obligation to provide equal employment opportunity without regard to religion or national origin.
3. ASU accommodates the religious observations and practices of employees, prospective employees, and students unless undue hardship to university operations or programs will result.

#### **AFFIRMATIVE ACTION PROGRAM FOR INDIVIDUALS WITH DISABILITIES, SPECIAL DISABLED VETERANS, OTHER PROTECTED VETERANS, RECENTLY SEPARATED VETERANS AND VIETNAM ERA VETERANS**

1. The affirmative action program for individuals with disabilities, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans, which applies to employees and job applicants, is periodically reviewed and updated. Significant changes in procedures, rights, or benefits that occur as a result of the annual updating are communicated to employees and job applicants.
2. Each job applicant is evaluated on established job qualifications and ability to perform the essential functions of a particular job. The essential job functions for a position are developed prior to advertising the position. All levels of employment, including the management level, are open to individuals with disabilities, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans.

A component of affirmative action includes employing and advancing in employment individuals with disabilities, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans. Such actions apply but are not limited to all employment practices including: recruitment or advertising; hiring, promotion, or transfer; pay rate, salary adjustments, or other forms of compensation; selection for training; and termination.

3. Employment practices are monitored and reviewed to ensure that procedures result in careful, thorough, and systematic consideration of the job qualifications of known disabled, special disabled veterans, other protected veterans, recently separated veterans, or Vietnam era veteran applicants and staff for both job vacancies, filled either by hiring or promotion, and training opportunities. Each applicant for employment may voluntarily self identify as being an other protected veteran, recently separated veteran, or a Vietnam era veteran.
4. Any physical or mental job qualification requirements that may tend to screen out qualified disabled individuals, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans and that are used by the university to select applicants for employment or to select staff for changes in employment status (e.g., promotion) are job related and required as a business necessity or for the safe performance of the job. The EO/AA office, prior to authorizing recruitment for the vacancy, reviews all job descriptions. A trial program is underway in 2006 that eliminates the EO/AA review of job announcements; careful analysis will be conducted to assess the impact of this trial.

The university has the right to conduct a comprehensive medical examination after an offer of employment is made, provided that the results of such an examination are used only in accordance with the requirements of 41 CFR Section 60-741.6 and the Americans with Disabilities Act of 1990. Information about an applicant's or staff member's physical or mental condition and the results of required medical examinations is confidential, subject to these exceptions:

- a. required accommodation to and restrictions on the work or duties of disabled individuals may be communicated to supervisors and managers,
- b. appropriate emergency treatment information may be communicated to first aid and safety personnel, and
- c. information requested by government officials investigating compliance with the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, and/or the Americans with Disabilities Act of 1990 may be supplied to those officials.

5. The university attempts to make reasonable accommodation for the limitations of disabled and special disabled veteran employees unless the accommodation creates undue hardship on the university. Surveys are conducted periodically to provide updated information on accommodations currently provided.
6. In offering employment or promotions to individuals with a disability, special disabled veterans, other protected veterans, recently separated veterans, or Vietnam era veterans, the amount of compensation is not reduced because of any disability income, pension, or other benefit the applicants or staff members receive from another source.
7. The Director, EO/AA periodically reviews employment practices to determine whether personnel programs provide the required affirmative action for employment and promotion of disabled individuals, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans. Based on the findings of the review, the university may make changes in its community outreach and special recruitment activities.

Currently, the university:

- a. establishes the essential job functions for positions before they are advertised
- b. institutes reasonable internal procedures to fulfill its obligation to employ and promote qualified disabled individuals, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans
- c. enlists the assistance and support of recruiting sources and community groups (positions are advertised with the Department of Economic Security and the USDOL Veterans Employment Service in compliance with the Vietnam Era Veterans' Readjustment Assistance Act)

(A current listing of the recruiting sources and community groups may be obtained from the Office of Equal Opportunity/Affirmative Action, Wilson Hall 122, Arizona State University, Tempe, Arizona 85287-2903.)

- d. attempts to include disabled, special disabled veteran, other protected veteran, recently separated veteran, and/or Vietnam era veteran workers in university-sponsored pictures of staff which appear in consumer, promotion, or advertising materials, and
  - e. notifies subcontractors, vendors, and suppliers of its policy of nondiscrimination on the basis of disability, special disabled veteran status, other protected veteran status, recently separated veteran status, and Vietnam era veteran status and requests they take appropriate action regarding that policy.
8. In order to ensure greater staff cooperation and participation in the university's efforts to carry out affirmative action for disabled workers, special disabled veterans, other protected veterans, recently separated veterans, and Vietnam era veterans, the university implements and disseminates this policy internally through various means. (See Policy Dissemination section.)
  9. Responsibility for the implementation of the policy is vested in the president, the provosts, the vice presidents, the Director, EO/AA, and the management staff. (See Implementation Responsibilities section.)

#### **IMMIGRATION REFORM AND CONTROL ACT OF 1986**

1. Arizona State University does not discriminate against any individual with respect to recruitment, selection, and termination because of an individual's national origin, or citizenship status.

2. In compliance with the Immigration Reform and Control Act of 1986, all persons hired after November 6, 1986, are required to demonstrate their authorization for employment in the United States. This policy is applicable to all persons.
3. Arizona State University will continue to verify employment authorizations for all prospective employees in a nondiscriminatory manner in keeping with antidiscrimination laws.