



POLICIES AND PROCEDURES

Subject: **Affirmative Action Policy Statement**

Policy No. **1**

Pages: 13

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Approved by: Cheryl J. Norton, President, Southern Connecticut State University

Signature:

POLICY

Southern Connecticut State University, recognizing the right of an individual to work and to advance on the basis of merit, ability, and potential without regard to race, sex, color, religious creed, national origin, national ancestry, sexual orientation, marital status, veteran status, age, criminal record, disability including learning disability, past or present history of a mental disorder, genetic information or other protected status unless there is a bona fide occupational requirement, which excludes persons in one of the above protected groups, resolves to take Affirmative Action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment.

Non-discrimination and equal opportunity are the policies of Southern Connecticut State University in all of its programs and activities. To that end, all University employees shall rigorously take positive steps to ensure equal opportunity in the internal affairs of all offices/functions, as well as in their interactions with all agencies and in their relations with the public. Each department within the University, in discharging its statutory responsibilities, shall consider the likely effects, which its decisions, programs, and activities shall have in meeting the goals of equality or opportunity.

Affirmative Action requires more than vigilance in the elimination of discriminatory barriers on the grounds of race, sex, color, religious creed, national origin, national ancestry, sexual orientation, marital status, veteran status, age, criminal record, disability including learning disability, past or present history of a mental disorder, genetic information or other protected status unless there is a bona fide occupational requirement, which excludes persons in one of the above protected groups. It must also involve positive and aggressive measures to ensure equal opportunity in internal personnel practices and in those programs which can

affect persons outside of the University. This Affirmative Action shall include efforts necessary to remedy the effects of present and past discriminatory patterns and any action necessary to guarantee equal opportunity for all people.

Purpose and Need for Affirmative Action

The ultimate purposes of the affirmative action program are to ensure equality in state government, avoid discrimination, intentional or inadvertent, develop a work force that is truly representative of all segments of our population, and improve the operation of our state government.

SCSU subscribes without reservation to these goals, recognizes the need and pledges continued strong support for affirmative action. To these ends, the agency will continue its long-standing policy of applying affirmative action criteria to all its personnel actions.

Distinction between Affirmative Action and Equal Opportunity

Affirmative Action is a program of positive action, undertaken with conviction and effort, designed to overcome the present effects of the past policies, practices and barriers to equal employment opportunity. It identifies, in an affirmative action plan, the causes of imbalance and achieves, through the application of aggressive, good faith effort, the full and fair participation of all persons in the work place and in all agency undertakings.

Equal Employment Opportunity means the chance to obtain employment without consideration of race, color, religious creed, age, sex, marital status, national origin, and disability, past or present mental disability, sexual orientation, learning disability, prior conviction of a crime and genetic information. Equal Employment Opportunity is the primary purpose and goal of Affirmative Action under section 46a-68-31 of the Connecticut General Statutes.

Toward these ends, SCSU recognizes that Affirmative Action and Equal Opportunity are immediate and necessary University objectives.

The Role of Affirmative Action in the Employment Process

The role of Affirmative Action in the employment process is to take positive action, undertaken with conviction and effort, to overcome the present effects of past practices, policies or barriers to equal employment opportunity and to achieve the full and fair participation of women, blacks and Hispanics and any other protected group found to be underutilized in the work force or affected by policies or practices having an adverse impact.

Affirmative Action is action taken to ensure an employment process under which all individuals are treated equally with respect to recruitment, hiring, placement, compensation, benefits, promotional opportunity, training, education, transfers and terminations, regardless of their race, color, religious creed, age, sex, marital

status, national origin, ancestry, disability, sexual orientation, prior conviction of a crime, or other factor which cannot lawfully be the basis for employment actions. It ensures an employment system in which neither intentional nor unintentional discrimination operates. The role of Affirmative Action is to have equal employment opportunity. The objective of the SCSU affirmative action plan is to ensure that our employment processes are conforming.

Methods Utilized

Employment Application: vehicle by which all applicants are subjected to a uniform preliminary screening designed to ascertain minimum qualifications in the area of experience and training and to gather the demographic and other information necessary for the administration of affirmative action programs. Affirmative Action asks that a race conscious determination be made from among qualified applicants.

Job Qualifications: vehicle by which the abilities and skills actually required to do the work are determined in terms of minimum basic need. Applicants who meet the essential level preparations are not to be excluded by any other factors. Affirmative Action must work to bring as many protected members into the system.

Job Specification: a written document which carries out the two elements above by incorporating the knowledge, skill and abilities mentioned above with a description of duties and other information about both the field of endeavor and level anticipated including compensation level, in that field. Affirmative Action could, when necessary, re-write job specifications to eliminate barriers to advancement.

Recruitment practices: is a series of approaches, which vary according to specific needs of the University to secure the services of the finest available staff commensurate with the demands of the position. For Affirmative Action purposes, the processes followed may not exclude, and must actively seek out, persons from groups adversely impacted in the past.

Personnel Policies: are a set of rules that define the manner in which the University deals with a human resources or personnel-related matter. Under Affirmative Action guidelines, they are ways of managing the entire range of actions taken with regard to employees and to ensure that these rights, opportunities, and privileges are equally offered and enjoyed by all workers.

Orientation: the method by which the transition into a specific workforce is accomplished. For affirmative action purposes, the effectiveness of orientation is determined by how well the needs and obstacles encountered by protected group members are anticipated and how effectively all rights, privileges and available avenues of redress are conveyed to them.

Training: an opportunity to diversify, restructure and grow into the best possible staff to accomplish University goals and missions.

Counseling: it is important that all protected group members have access to career and other counseling. Liaison personnel are available to discuss problems involving labor relations, health and medical problems, business matters, harassment, unfair labor practices and discrimination.

Grievance procedures: it is essential for equal treatment under the law that University employees know of their options when confronted with a violation of their civil rights. The Affirmative Action program provides written procedures and policies to ensure that employees know of their options and are free to exercise them in a non-intimidating atmosphere.

Evaluations: the Affirmative Action program constantly seeks methods to evaluate personnel based solely on merit requirements.

Layoffs: Affirmation action and labor have competed to protect their employees in matters concerning layoffs. Labor contracts and state regulations will determine the outcome in accordance with law.

Terminations: the work of the ODE includes the responsibility to monitor all separations to ensure the rights of protected individuals are honored.

Definitions

For the purposes stated herein, the following definitions apply:

- **Adverse Impact:** Is defined as a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group in the Uniform Guidelines on Employee Selection Procedures (1978) (www.dol.gov). A "substantially different" rate is typically defined in government enforcement or Title VII litigation settings using the 80% Rule, statistical significance tests, and/or practical significance tests.
- **Affirmative Action:** Proactive efforts, undertaken to correct the present effects of past practices, policies and barriers to achieve the full and fair participation of any protected class within the University's workforce.
- **Affirmative Action Plan:** A written, detailed set of objectives prepared by the Office of Diversity and Equity and approved by the Commission on Human Rights and Opportunities, designed to ensure a diverse workforce.

- **Availability:** The number of persons in a labor market possessing the skills, abilities, and qualifications necessary for the performance of a job or capable of acquiring the requisite skills in a reasonable period of time.
- **Bonafide Occupational Qualification (BFOQ):** A job qualification which precludes consideration of a protected class based upon specific job requirements.
- **Disability/Handicap:** A physical or mental impairment that substantially limits one or more major life activities; a record of such impairment or being regarded as having such an impairment or any chronic physical handicap, infirmity or impairment.
- **Discrimination:** Any act, practice or policy which serves as a barrier with respect to the terms, conditions, or privileges of employment based solely on an individual's race, color, sex, religious creed, age, marital status, national origin or ancestry, physical disability (including blindness), present or past history of mental disorder, learning disability, mental retardation or sexual orientation, unless the provisions of state statutes are controlling.
- **Equal Employment Opportunity:** Employment of an individual without regard to race, color, sex, religious creed, age, marital status, national origin or ancestry, physical disability (including blindness), present or past history of mental disorder, learning disability, mental retardation or sexual orientation, unless the provisions of state statutes are controlling except for bona fide occupational qualification.
- **Good Faith Effort:** All reasonable efforts to achieve compliance with Affirmative Action/Equal Employment Opportunity goals; additional efforts undertaken when initial efforts fail and documentation of any effort undertaken to achieve compliance.
- **Harassment:** Any unwelcome verbal or physical conduct based on a legally protected class when such conduct has the effect of creating an intimidating, hostile or offensive working environment that effects the terms and conditions of employment. Actions which may be considered harassment under this policy include, but are not limited to:
 - Use of racially derogatory words, phrases, epithets;
 - Demonstrations of a racial or ethnic nature such as a use of gestures, pictures or drawings which would offend a particular racial or ethnic group;
 - Comments about an individual's skin color or other racial/ethnic characteristics;

- Making disparaging remarks about an individual's gender and/or sexual orientation;
 - Making disparaging comments about an employee's religious beliefs (or lack of religious beliefs);
 - Expressing disparaging stereotypes regarding an employee's birthplace, national origin or ancestry;
 - Making disparaging comments regarding an employee's age; and,
 - Derogatory or intimidating references to an employee's mental or physical impairment.
- **Labor Market Area:** A geographical area from which recruitment can be conducted.
 - **Occupational Category:** A grouping of jobs by job contact and/or primary occupational activity.
 - **Parity:** A condition where the representation of a protected class equals the percentage of such persons in the available workforce.
 - **Protected Class:** Those classes or groups of persons specified above.

General Principles of Affirmative Action and Equal Employment Opportunity

A. The University's Affirmative Action Plan shall establish goals to achieve representation reflective of the applicable labor market.

B. Affirmative Action shall apply to all aspects of the employer/employee relationship including, but not limited to, recruitment, hiring, training, upgrading, promotions, benefits, compensation, discipline, layoff and termination. All such decisions shall be made on the basis of qualifications, performance and other pertinent work-related factors and without discrimination against any person on the basis of race, color, sex, religion, national origin, ancestry, disability, marital status, sexual orientation, or any legally protected status.

C. Preventing harassment and other offensive conduct requires awareness by every employee, supervisor and manager of the impact that one's actions may have on others. In determining whether harassment or other offensive conduct has occurred, the standard to be applied is the perspective of a reasonable person.

D. No employee shall be intimidated, threatened, coerced, discriminated, harassed or otherwise restrained or retaliated against because of filing a complaint, opposing any discriminating practice, or testifying or participating in any manner in an investigation or proceeding. Any violation of this provision shall be reported immediately to the Office of Diversity and Equity. If there is a conflict

with reporting a violation to this office, it shall be reported to the Human Resources Office.

Office of Diversity and Equity (ODE) Duties and Responsibilities

The duties and Responsibilities of the ODE shall include but not be limited to:

1. Develop the University's Affirmative Action Plan;
2. Monitor the Affirmative Action Plan, programs, and policies;
3. Communicate the University's Policy of Equal Employment Opportunity and Affirmative Action;
4. Minimize any discriminatory conduct within the University;
5. Investigate all complaints that are referred to the ODE;
6. Report all findings and recommendations upon the conclusion of the investigation to the President for proper action;
7. Monitor University programs and services for compliance with Equal Employment Opportunity laws and regulations;
8. Serve as liaison to various community groups and agencies;
9. Provide training to all employees concerning equal employment opportunity, affirmative action and sexual harassment;
10. Advise University administrators regarding reasonable accommodations for disabled employees covered under the Americans with Disabilities Act of 1990 and the Connecticut Fair Employment Practices Act;
11. Advise and consult with University administrators on relevant Equal Employment Opportunity and Affirmative Action program issues;
12. Review interview questions to ensure they are related to successful job performance and do not result in adverse impact on protected classes;
13. Assess the effect of either expansions or reductions in the workforce on protected class members; and,
14. Review annually personnel actions to determine if there has been an adverse impact and recommend appropriate steps to alleviate any identified disparity.

Human Resources Affirmative Action Responsibilities

The Human Resources Unit shall in consultation with the Office of Diversity and Equity shall include but not be limited to:

- Identify and utilize recruitment sources which reach a diverse population.
- Use best efforts to ensure that applicant pools and eligibility lists for hire and promotion include a diverse population.
- Inform new hires and transfers into the University during orientation of the University's commitment to Affirmative Action and give each new employee a copy of this policy.
- Review all interview questions to ensure that they are in compliance with this policy.

- Document good faith efforts to achieve affirmative action goals and submit documentation to ODE.

Schools, Departments, Deans, Chairs, and Administrators' Responsibility

All hiring personnel shall in consultation with HR and ODE:

- Consider Affirmative Action goals when recruiting, selecting, assigning, promoting and training employees.
- Monitor and report your progress regarding affirmative action.
- Consult with ODE on issues regarding reasonable accommodations for disabled employees covered under the Americans with Disabilities Act of 1990 and the Connecticut Fair Employment Practices Act.
- Document good faith efforts to achieve affirmative action goals and submit documentation to HR and ODE.
- Communicate to all subordinates the University's Equal Employment Opportunity and Affirmative Action Policy and make them aware of the Affirmative Action Plan.
- Notify ODE of any allegation of discrimination or sexual harassment.
- Post all federal and state mandated signage regarding the Americans with Disabilities Act of 1990, sexual harassment and discrimination.

Dean/Chair/Manager/Supervisor Responsibility

- Each person above shall become familiar with the provisions of this policy, complying with all requirements of this policy and cooperating with any inquiry under this policy.
- Each person above has a responsibility to maintain the workplace free of any form of discrimination or harassment (based on a protected class status), to monitor working conditions in order to detect violations of this policy and to take prompt action to correct and report any violation through their supervisor.
- Anyone who witnesses conduct that violates this policy or receives a report of conduct that is alleged to violate this policy shall immediately report such conduct to a senior manager or the ODE, who shall advise the President of any violation or alleged violation as soon as feasible.
- Each individual shall communicate to all subordinates the University's Equal Employment Opportunity and Affirmative Action Policy and make them aware of the Affirmative Action Plan.

Employee Responsibility

An employee shall not engage in discrimination or harassment (based on a protected class status). The University shall not tolerate violations of this policy and strongly encourages victims of discrimination or harassment to report instances of such behavior as soon as possible after it occurs. Any employee

who witnesses discrimination or harassment or who becomes aware that an employee has been subjected to discrimination or harassment shall report same to a supervisor, manager, an administrator or the ODE as soon as possible and must do so immediately if the conduct jeopardizes the safety or security of staff or students at the University.

Complaint Procedure

Consistent with Chapters 67 and 68 of the Connecticut General Statutes, Southern Connecticut State University has established an internal complaint procedure designed to resolve student or employee allegations of discrimination, promote the expeditious resolution of any such allegations, and assure aggrieved parties that legal options for filing complaints with various enforcement agencies are possible.

This complaint procedure is available to any employee, student, or aggrieved person who feels that he or she has been discriminated against on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation or disability including, but not limited to blindness, learning disability, physical disability, mental disorder, mental retardation, genetic background, or criminal record.

This complaint procedure is consistent with the policy and procedures outlined in guidelines promulgated by the Connecticut Commission on Human Rights and Opportunities (CHRO), the Americans with Disabilities Act (Title II), Section 504(1047) of the Rehabilitation Act of 1973 and any and all applicable civil rights/anti-discrimination statutes.

In addition to this campus complaint procedure, a complaint of discrimination on the grounds stated above may also be filed with the Equal Employment Opportunity Commission, the Connecticut Commission on Human Rights and Opportunities, the United States Department of Education/Office for Civil Rights, the United States Department of Labor/Wage and Hour Division, and any other department, bureau or commission as permitted by any other state or federal law or by any employee's union policy.

All grievance investigations and pertinent written materials will be kept confidential and no Grievant will be retaliated against for exercising his or her options under this section. Filing time-frames are not to exceed thirty (30) days from the date of the incident or the date of resolution.

Training in counseling and in complaint investigations will be provided by the Director of Diversity and Equity Programs. Additionally, confidential counseling will be available to any employee, student or aggrieved person who grieves discrimination.

All records and complaints relative to discrimination will be confidentially maintained by the Director of Diversity and Equity Programs and reviewed periodically to check for patterns or frequency of prohibited employment practices that bar full and fair participation of protected group members. Disclosure of such records will be available as required by law.

Individual Rights

The University's Director of Diversity and Equity will:

1. Ensure that the rights of the complainant are protected.
2. Ensure that the University takes steps to eliminate the discriminating practice if a complaint is found to be legitimate.
3. Ensure that the complainant is offered the opportunity to carry the complaint to the extent allowed by law in order to effectuate a resolution.
4. Advise of legal options to file complaints with the Connecticut Commission on Human Rights and Opportunities, the United States Equal Employment Opportunity Commission, The United States Department of Labor/Wages and Hour Division, any other agencies/state, federal, or local/that enforce laws concerning discrimination in employment. Time-line for filing with CHRO is 180 days, and for filing with the United States Equal Opportunity Commission is 300 days, contingent upon the complainant having filed with CHRO within its 180 filing period.
5. Ensure the complainant that no retaliation will be inflicted upon him or her because he or she has opposed any unlawful employment practices or has made charges, testified, or participated in any actions under Title VII, IX or other State or Federal laws or regulations. To retaliate in any way is considered a separate violation of the law.

Filing a Complaint

- The aggrieved person (hereinafter called the Complainant) must file a written complaint with the Director within thirty (30) days following the act or omission giving rise to the complaint or the date hereinafter on which the Complainant knew or reasonably should have known of such act or omission.
- For AAUP members only, upon receipt of a written complaint, the Director shall immediately provide a copy of the complaint and any supporting documentation provided by the Complainant to the Respondent.

Time Limits

- "Working Days" are defined as days when the administrative offices of the University are open for business.
- The Complainant, the Respondent or the Director may request an extension of a deadline by filing a written request with the ODE. Such

extension may be granted only when agreed to by the Director, the Complainant and the Respondent.

- A complaint may be held in abeyance when any party is not required to be at work (e.g., an instructional faculty member during the summer). The Director shall decide whether a hold is appropriate and shall notify all parties.

Director's Investigation of the Complaint

- The Director shall investigate the complaint and shall interview the Complainant, the Respondent and any other parties he/she deems appropriate. The Director may conduct an in-person interview or conduct an interview by email requiring that a list of interview questions be completed in writing. The Director may also request an appraisal by an independent professional in the specific area of the complaint.
- The Director shall issue a written decision, which may include a recommendation, within ninety (90) working days of the date the complaint was filed.
- The Director will immediately provide the President with copies of the complaint along with his/her decision.
- Once the President has approved the report, notification of the decision will follow.
- The Director shall immediately provide copies of the findings to the Complainant and the Respondent.
- The Director may make recommendations to Human Resources concerning disciplinary action for employees who fail to cooperate with a discrimination investigation.

Appeal Process (for AAUP members only)

- Within fifteen (15) working days of the issuance of the Director's decision the Complainant or the Respondent may file an appeal of the decision. The appeal and all supporting documentation shall be submitted in writing to the President, with copies to the Director and other parties to the complaint.
- The format for the appeal must follow the format.
- If no written appeal is filed within fifteen (15) working days of the issuance of the Director's decision, the Director will so notify the President, Complainant and the Respondent.

Note: Students may also file an appeal following the Student Handbook appeals process.

President's Review

- If no appeal of the Director's decision is filed, the President shall issue a written decision within fifteen (15) days of receiving notice from the Director. The President shall immediately notify all parties in writing of his/her decision. If necessary, the President shall forward the matter to the appropriate University administrators for action.
- If an appeal of the Director's decision is filed, the President shall conduct a review of said appeal and issue a written decision within fifteen (15) days of the appeal. The President shall immediately notify all parties in writing of his/her decision. If necessary, the President shall forward the matter to the appropriate University administrators for action.

Withdrawal of the Complaint or Appeal

At any step of the process, the person filing a complaint or appeal may withdraw his/her action by filing a written statement of withdrawal with the Director. However such a withdrawal does not negate the responsibility of the Director to conduct or complete an investigation that was initiated.

Distribution of Complaint Procedure

To ensure that employees are aware of the right to file an Affirmative Action complaint, the President's policy statement and complaint process shall be conspicuously posted and all employees shall have access to this policy. A copy of the procedure is included in the Employee Handbook and on the SCSU website: <http://www.southernct.edu/diversityequity/>.

Authority and Reference

- United States Code, 29 USC 621 et seq., 29 USC 701 et seq., 29 USC 791 et seq., 42 USC 1981, 42 USC 1983, 42 USC 2000d et seq., 42 USC 2000e et seq., 42 USC 3601 et seq., and 42 USC 6101.
- Presidential Executive Orders.
 1. Executive Order 10925 (JFK 3/6/61)
 2. Executive Order 11141. (LBJ 2/12/64)
 3. Executive Order 11246, as amended by Executive Order 11375, 11478 and 12086.
 4. Executive Order 11625.
 5. Executive Order 12138, as amended by Executive Order 12608.
 6. Executive Order 12336, as amended by Executive Order 12355.
- Americans with Disabilities Act of 1990.
- Section 402, Veterans Readjustment Act of 1974 (as amended)
- Section 503, Rehabilitation Act of 1973
- Code of Federal Regulations, 29 CFR 32, 29 CFR 1604 through 29 CFR 1607, 29 CFR 1620, 29 CFR 1625, 29 CFR 1630, and 41 CFR 60.741.

- Connecticut General Statutes, Sections 4-60u, 4a-60, 4a-61, 4a-60g, 5-227, 10a-11, 18-81, 31-51d, 31-75, 46a-51, 46a-58(a), 46a-60, 46a-64, 46a-68 through 46a-72, 46a-74 through 46a-77, and 46a-81c through 46a-81q.
- Governor's Executive Orders.
 1. Executive Order No. 18, (Governor Meskill)
 2. Executive Order Nos. 11 and 12, (Governor Grasso)
 3. Executive Order No. 9, (Governor O'Neill)
- Regulations of Connecticut State Agencies, Sections 46a-68-1 through 46a-68-17 and 46a-68-31 through 46a-68-74.
- CSU Board of Trustees Policy Book #10 *"Policy and Guidelines Regarding Racism and Acts of Intolerance"* (BR #89-200)
- CSU Board of Trustees Policy Book #19 *"Policy on Sexual Harassment"* (BR #99-42)
- EEOC "Best Practices Guide".
- EEOC Fact Sheet "Questions and Answers: Religious Discrimination in the Workplace".
- All the collective bargaining agreements associated with this University.

Exceptions

Any exceptions to the procedures in this Policy shall require prior written approval from the President of this University.