

Utah Tech University Policy

306: Equal Employment

Opportunity, Affirmative Action, and Veterans' Preference



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I. Purpose

- 1.1 This policy establishes the policies and procedures regarding Equal Employment Opportunity, Affirmative Action, and Veterans' Preference for University employment at Utah Tech University ("the University"). The University is committed to complying with state and federal laws pertaining to Equal Employment Opportunity, Affirmative Action, and Veterans' Preference for qualified individuals.

II. Scope

- 2.1 This policy applies to all employment where an individual is employed and paid by the University.

III. Definitions

- 3.1 **Committee Interview:** Scored meeting with search committee; includes in-person, virtual, and telephone meetings.
- 3.2 **Committee Screening:** Scored evaluation by search committee of formal applications for a vacant position.
- 3.3 **DD Form 214:** Certificate of Release or Discharge from Active Duty; a document of the United States Department of Defense that is issued upon a military service member's retirement, separation, or discharge from active duty in the Armed Forces of the United States.
- 3.4 **Minority Status:** A job applicant who declares their race/ethnicity is non-Caucasian (or of non-Caucasian descent) on formal application paperwork

with Human Resources.

- 3.5 **Protected Activity:** Making a good faith report under Policies 154 or 164; filing an external complaint of Protected Class discrimination or retaliation; opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of Policies 154 or 164; participating in proceedings involving a complaint under Policies 154 or 164 or under relevant law; or any other activity protected by federal or state civil rights law.
- 3.6 **Protected Class:** Race/ethnicity, color, national origin, age, religion, gender, sexual orientation, gender identity/expression, pregnancy, disability, or Protected Veteran status, or otherwise as identified by local, state, or federal law.
- 3.7 **Protected Veteran:** A person who served in the active military, naval, or air service who meets the definition available through the United States Department of Labor Office of Federal Contract Compliance Programs (OFCCP) and the Vietnam Era Veteran's Readjustment Assistance Act of 1974 (VEVRAA). See Section 5.3 below.

IV. Policy

- 4.1 The University is committed to equal employment opportunity and affirmative action. The success of these efforts benefits students, employees, and the University as an educational and service institution.
- 4.2 The University seeks to provide equal opportunity and prohibits discrimination in all employment-related practices and decisions including but not limited to recruitment, supervision, training, promotion, and all other practices and decisions affecting University employment status, rights, and privileges.
- 4.3 University executive, administrative, academic, and supervisory personnel exercising management responsibilities are required to take appropriate action to assure all employment-related practices and decisions are made without discrimination, harassment, or prejudicial treatment based on Protected Class.
- 4.4 The University recognizes the importance of including Protected Classes in all categories of the work force and in its educational programs.
- 4.5 Affirmative Action and nondiscrimination under federal contract, as outlined in Federal Executive Order No. 11246 (as amended), requires the

elimination of all prohibited discriminatory conditions.

- 4.5.1 The University will monitor gender and ethnic balance in its departments and make a concerted effort to correct any imbalances.
 - 4.5.2 Where Affirmative Action is required, the University will make additional effort to recruit and employ qualified members of underrepresented groups.
 - 4.5.3 Affirmative Action does not require the University to eliminate or dilute standards or criteria that are necessary for successful job performance.
 - 4.5.3.1 The Federal Executive Order does, however, allow for a preference of minorities and women to address imbalances.
 - 4.5.4 Affirmative Action requires that any standards or criteria which have had an effect of excluding any individual with regard to Protected Class be eliminated, unless it can be demonstrated that such standards or criteria are conditions necessary for successful job performance.
- 4.6 The University's approved Affirmative Action Plan and Annual Report, as amended and modified yearly, shall be made available to any University personnel upon request. All members of the University Community are expected to support the Affirmative Action Plan and to further its objectives in ways consistent with University Policies and Procedures.
- 4.6.1 Overall responsibility for Equal Employment Opportunity and the Affirmative Action Program rests with the University President.
 - 4.6.2 Specific responsibility for implementation and monitoring of the Equal Employment Opportunity and the Affirmative Action Program rests with the Executive Director of Human Resources.
 - 4.6.3 The University has adopted policies and procedures (see University Policies 154 and 164) to investigate and resolve complaints alleging discriminatory treatment in violation of University policy and applicable law. In addition, it is a violation of Policies 154 and 164 to retaliate in any manner against an individual or group involved in a Protected Activity or because of the individual or group's Protected Class. Policy 154 and Policy 164 processes are overseen by the Director of the Office of Equity Compliance and Title IX.

- 4.7 To qualify for preference under Veterans' Preference under Utah State Code, an individual must meet at least one of the criteria below:
- 4.7.1 An individual separated or retired under honorable conditions having served on active duty in the United States Armed Forces for more than 180 consecutive days, or
 - 4.7.2 An individual separated or retired under honorable conditions who is a member of the United States reserve component, and who served in a campaign or expedition for which a campaign medal has been authorized, or
 - 4.7.3 An individual incurring an actual United States military service-related injury or disability, whether or not the person completed 180 days of active duty, or
 - 4.7.4 An unmarried widow or widower of an individual who meets the definition of 4.7.1, 4.7.2, or 4.7.3 above.

V. References

- 5.1 Federal Executive Order No. 11246:
<https://www.dol.gov/agencies/ofccp/executive-order-11246/ca-11246>
- 5.2 Notice of the University's Commitment to, and Prohibition Against, Discrimination; University's Title IX Prohibition of Sex-Based Discrimination, Sexual Harassment and Retaliation:
<https://titleix.utahtech.edu>
- 5.3 Protected Veteran Classification under United States Department of Labor: <https://www.dol.gov/agencies/ofccp/veterans/protected-veterans>
- 5.4 University Hiring Procedures: <https://humanresources.utahtech.edu>
- 5.5 University Policy 154: Title IX Sex-Based Discrimination, Sexual Harassment, and Retaliation
- 5.6 University Policy 164: Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, and Retaliation
- 5.7 University Policy 305: Hiring
- 5.8 Utah State Code, Title 71, Chapter 10: Veterans' Preference

VI. Procedures

- 6.1 Applicants have the opportunity to voluntarily disclose Minority or Protected Veteran Status when submitting a formal application.
 - 6.1.1 Applicants claiming Protected Veteran status must submit the required documentation (DD Form 214 and Veterans' Preference Eligibility Notice) to the Human Resources Office upon application to be eligible for preference.
 - 6.1.2 An individual who meets one or more of the following criteria will receive additional preference considerations:
 - 6.1.2.1 A disabled United States Veteran separated or retired under honorable conditions, or
 - 6.1.2.2 A Purple Heart recipient, or
 - 6.1.2.3 An unmarried widow or widower of an individual who meets the definition of 6.1.2.1 or 6.1.2.2 above.
- 6.2 Preference for Minority Status will be given by Human Resources during Committee Screening and Interviews occurring as part of the standard hiring procedures outlined in University Policy 305.
- 6.3 Preference for Protected Veteran status will be given by Human Resources during Committee Screening and Interviews as part of standard hiring procedures outlined in University Policy 305.

VII. Addenda

- 7.1 University Policy 306A: Veterans' Preference Eligibility Notice

Policy Owner: Executive Director of Human Resources
Policy Steward: Executive Director of Human Resources, Director of Equity Compliance/Title IX Coordinator

History:

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