

# Utah Tech University Policy

## 306: Equal Employment Opportunity, Affirmative Action, & Veterans' Preference



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### I. Purpose

- 1.1 This policy establishes the rules and expectations regarding Equal Employment Opportunity 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 screening***: scored evaluation by committee of formal applications for a vacant position.
- 3.2 ***Committee interview***: scored meeting with search committee; includes in-person, virtual, and telephone meetings.
- 3.3 ***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.
- 3.4 ***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 Veterans' Readjustment Assistance Act of 1974 (VEVRAA) – see section 5.6 below.

- 3.5 **DD Form 214:** Certificate of Release or Discharge from Active Duty; a document of the United States Department of Defense, issued upon a military service member's retirement, separation, or discharge from active duty in the Armed Forces of the United States.

#### IV. Policy

- 4.1 The University is committed to equal employment opportunity and affirmative action. The success of these efforts will benefit students, employees, and the University as an educational and service institution.
- 4.2 The University seeks to provide equal opportunity and the principle of nondiscrimination in all employment-related practices and decisions including but not limited to recruitment, hiring, compensation, benefits, terminations, 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 institution 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 groups which are underrepresented.
  - 4.5.3 Affirmative action does not require that the University eliminate or dilute standards or criteria which are necessary for successful job performance.

- 4.5.3.1 The Federal Executive Order does, however, allow for 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 they 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 established grievance procedures to investigate and settle complaints by employees claiming they have been subjected to discriminatory treatment in violation of University policy. In addition, it is a violation of University policy for any University employee to retaliate in any manner against an employee because of the filing of a discrimination complaint or because of supporting or assisting in the filing or investigation of such a complaint.
- 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 that 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 University Hiring Procedures – Faculty:  
<https://humanresources.utahtech.edu>
- 5.2 University Hiring Procedures – Staff:  
<https://humanresources.utahtech.edu/hiring-procedures-staff/>
- 5.3 University Policy 154: Title IX, Harassment and Nondiscrimination
- 5.4 University Policy 305: Hiring
- 5.5 Utah State Code, Title 71, Chapter 10: Veterans' Preference:  
[https://le.utah.gov/xcode/Title71/Chapter10/71-10.html?v=C71-10\\_1800010118000101](https://le.utah.gov/xcode/Title71/Chapter10/71-10.html?v=C71-10_1800010118000101)
- 5.6 Protected Veteran Classification under United States Department of Labor:  
<https://www.dol.gov/ofccp/posters/infographics/protectedvet.htm>
- 5.7 Federal Executive Order No. 11246:  
[https://www.dol.gov/ofccp/regs/compliance/ca\\_11246.htm](https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm)

## VI. Procedures

- 6.1 Applicants will 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 Veteran 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 during committee screening and interviews occurring as part of standard hiring procedures for all positions.
- 6.3 Preference for Protected Veteran status will be given during committee screening and interviews as part of standard hiring procedures for all positions.

## VII. Addenda

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Veterans' Preference Eligibility Notice Policy Owner: Executive Director of Human Resources

Policy Steward: Human Resources; General Counsel

History:

Approved 3/21/96

Approved 7/1/09

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