



**POLICY STATEMENT 11
EQUAL OPPORTUNITY**

POLICY DIGEST

Primary Monitoring Unit: Human Resources
Secondary Monitoring Unit: Chancellor
Initially Issued: May 29, 2011
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I. PURPOSE

The purpose of this policy statement is to assert Louisiana State University at Eunice’s commitment to provide equal opportunity for all qualified persons in admission to, participation in, or employment in the programs and activities which the University operates without regard to race, creed, color, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, mental or physical disability, or veteran’s status, as well as to implement a procedure to address complaints for those who believe they have been subjected to discrimination and/or harassment in violation of this policy.

II. POLICY

Louisiana State University at Eunice supports affirmative action and equal opportunity standards as set forth in the University’s Affirmative Action Plan. The University’s Affirmative Action Plan requires that all employees and applicants receive fair consideration for employment and that all employees are treated fairly with regard to recruitment, promotions, demotions, transfers, layoffs, furloughs, terminations, rates of pay and other forms of compensation, tenure, training, and other employment practices. This policy statement also affirms the LSU Eunice’s policy regarding sexual harassment as outlined in the University’s Policy Statements on Sexual Harassment ([LSU Eunice PS-30](#)) as well as its policies and procedures on Services for Persons with Disabilities as established in [LSU Eunice PS-44](#).

LSU Eunice complies with the provisions of Title IX, Title VI, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VII, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA) and applicable state law. The Office of Human Resources Management and the Office of Affirmative Action/ Equal Employment Opportunity are designated at LSU Eunice as responsible for coordinating the University’s compliance with these statutory provisions.

The University reaffirms and emphasizes its commitment to provide a workplace free from discrimination and harassment and to provide a means to address complaints of discrimination and/or harassment. LSU Eunice also reiterates its commitment and responsibility to protect its employees and students from discrimination, harassment, and retaliation for participating in the complaint process. This Policy Statement is not intended to infringe upon constitutionally guaranteed rights nor upon academic freedom. In considering allegations of discrimination

43 and/or harassment, the University must be concerned with the rights of both the complainant
44 and the accused.

45 All complaints of discrimination and/or harassment will be addressed. Substantiated cases shall
46 result in appropriate discipline or other corrective action. The severity of the disciplinary action
47 shall be consistent with the seriousness of the act of discrimination and/or harassment.
48 Additionally, under appropriate circumstances, the University may take action to protect its
49 employees and students from harassment by individuals who are not employees of the
50 University.

51 The Chancellor, Vice Chancellors, Deans, Chairs, Directors, and all other supervisory
52 employees are responsible for assisting the University in the implementation of this policy.

53 Anyone having questions regarding this policy or a complaint regarding a possible violation of
54 this policy should contact the Office of Human Resource Management, Title IX Coordinator, or
55 the AAEEEO Coordinator.

56 A. Complaint Options

57 Any member of the University community who believes they have been subjected to
58 discrimination and/or harassment in violation of this policy has a right and an obligation
59 to report the conduct to any University official, supervisor, the Office of Human Resource
60 Management, or the AAEEEO Coordinator. No student or employee is required to report
61 or make a complaint of discrimination and/or harassment to the person who is engaging
62 in the problematic conduct.

63 Because discrimination and harassment may involve a wide range of behaviors and is,
64 in part, a function of the way in which such behaviors are perceived, the way in which a
65 given incident is appropriately treated depends on its effect upon the recipient as well as
66 upon the specific behavior itself. For example, simply informing the individual through
67 verbal or written communication that the behavior is unwelcome and should cease may
68 be sufficient to end it. If this is ineffective or the situation is such that an individual is
69 unwilling or unable to deal with it in this way, other means of addressing such concerns
70 are provided in this policy.

71 To ensure that situations that may involve discrimination and/or harassment are handled
72 appropriately, Vice Chancellors, Deans, Directors, Chairs, supervisory employees, and
73 any other University officials who receive a complaint or who become aware of a
74 possible violation of this policy will immediately notify the Office of Human Resource
75 Management or the AAEEEO Coordinator for advice and assistance on how to respond to
76 the complaint (Science Building Rm. 127 phone: 337-550-1202). The Office of the Dean
77 of Student Affairs is responsible for addressing complaints involving student on student
78 harassment and/or discrimination when neither the accused(s) nor the accuser(s) are
79 employees of the University.

80 If an individual believes that they have been subjected to discrimination and/or
81 harassment, the individual may make use of both the informal and formal resolution
82 procedures explained below.

83 B. Informal Procedure

84 Under the informal procedure, a complaint may be filed with the Office of Human
85 Resource Management, Vice Chancellors, Deans, Directors, Charis, or other
86 supervisory employees. Use of the informal procedure is optional, and the individual can
87 choose to bypass, discontinue, or initiate a formal complaint at any time during the
88 informal process. The complainant, the individual receiving the informal complaint, and
89 the Office of Human Resource Management will jointly determine how best to handle the
90 complaint. The information reported to the University related to a complaint will be
91 treated as confidentially as possible with only those with a need to know being informed
92 of the complaint.

93 C. Formal Procedure

94 If an individual opts to follow the formal procedure, an individual should file a complaint
95 with the Office of Human Resource Management or AAEEEO Coordinator. A formal
96 investigation of the complaint will be conducted to determine if sufficient evidence exists
97 to conclude that a violation of the University's policy has occurred. The individuals
98 involved in the complaint will be notified about its resolution.

99 All of these procedures will operate under the general principles of fairness and
100 confidentiality and will be used in a way that attempts to ensure that a charge of
101 discrimination and/or harassment is carefully reviewed to determine whether a violation
102 of this or related policies has occurred and to further provide that the rights of both the
103 complainant and the accused are protected. Substantiated violations of this policy will
104 result in appropriate discipline or corrective action. Furthermore, employees, students,
105 witnesses, and/ or other participants involved in the complaint, or its investigation are
106 protected from retaliation of any form. Any employee violating the prohibition against
107 retaliation may be subject to disciplinary action up to and including termination.

108 **III. RECRUITMENT AND SELECTION**

109 The University, through its recruitment and employment policies, will recruit and employ
110 qualified personnel for all its diverse activities and will provide equal opportunities during the
111 selection process and employment without regard to race, color, marital status, sexual
112 orientation, gender identity, gender expression, creed, religion, sex, national origin, age, mental
113 or physical disability, or veteran's status. The following guidelines are designed to achieve the
114 recruitment and placement objectives set forth in the University's Affirmative Action Plan.

115 General Guidelines for Faculty, Classified, Other Academic, and Professional Positions

116 A. Position advertisements and selection criteria will be developed in direct relationship to
117 job requirements, University policies (ex. [LSU PM-23](#)), and applicable University
118 standards. Requests to create or fill vacant positions should include a position
119 justification and proposed job description that will be submitted to the Office of Human
120 Resource Management for review and additional administrative approvals.

121 B. The recruitment process shall be conducted in a manner consistent with the goal of
122 attracting a diverse pool of applicants. For certain vacancies, this could include placing
123 advertisements in appropriate sources to attract minority and female candidates. The
124 Office of Human Resource Management serves as a resource to hiring departments in
125 determining the most appropriate strategies for recruiting minority and female candidates
126 for vacancies at LSU Eunice. The level and classification of the vacancy along with the

127 availability of funds for recruitment will determine the scope of recruitment activities.
128 Most full-time faculty and senior professional vacancies should be advertised regionally
129 and/or nationally. All ads must include the statement “LSU Eunice is an Equal
130 Opportunity/Equal Access Employer.” Advertisements may include a salary range. All
131 advertisements, including the scope of advertising effort (i.e. local, regional, or national)
132 and the advertising sources used, must be formally submitted to and approved by the
133 Office of Human Resource Management prior to publishing.

134 C. All vacant regular full-time and part-time positions will normally be publicized at least
135 within the University to ensure that all interested and qualified employees are aware of
136 opportunities for promotion or transfer. Internal promotions are strongly encouraged.
137 Promotions to or in faculty rank must either result from a competitive external search or
138 part of the formal promotion and tenure review process.

139 D. The minimum time between publication of an ad and the application deadline for
140 Classified/Civil Service positions is 5 calendar days, and 14 calendar days for all other
141 positions. All vacancies should be advertised far enough in advance to attract an
142 adequate applicant pool.

143 E. All pre-employment selection procedures, including credential reviews, interviews and
144 reference checks, shall be conducted without regard to race, color, creed, marital status,
145 sexual orientation, gender identity, gender expression, religion, sex, national origin, age,
146 mental or physical disability, or veteran’s status.

147 F. The use of search committees to fill vacancies is encouraged. Every effort should be
148 made to have diverse representation. This may include females and minority
149 representation on search committees, as well as members of the department,
150 representatives from the Office of Human Resource Management, external constituents,
151 and/or members of other academic or administrative departments. (Note: For faculty
152 positions, the use of search committees does not replace the requirement for a vote of
153 the eligible voting faculty in accordance with LSU Eunice [PS-12: Recruitment,
154 Retention, Promotion, and Tenure of Faculty Members.](#))

155 G. Records pertinent to the employment decision (ex., copies of advertisements, letters of
156 application, resumes, replies to and from applicants, reference notes, interview notes,
157 selection criteria) must be retained in the employing department for at least three (3)
158 years from the date the position is filled, and if not filled, three (3) years from the date the
159 posting/application period closed and made available to the Office of Human Resource
160 Management upon request.

161 H. Certain demographic information is collected from the applicant online at the point of
162 application submission. To ensure accurate EEO data tracking and reporting, the hiring
163 unit should indicate the applicant dispositions in the Applicant Tracking System or send
164 the applicant dispositions to the Office of Human Resource Management.

165 I. The Office of Human Resource Management may randomly select positions for
166 monitoring and audit. This can occur pre- or post-selection. Selection procedures, as
167 well as applications and resumes submitted by applicants will be reviewed when
168 positions are monitored or audited.

169 J. Additionally, positions for which LSU Eunice has determined that underutilization of

170 females and/or minorities exists may be targeted for monitoring and auditing.

171 K. Standard operating procedures for recruitment and selection of candidates shall be
172 maintained by the Office of Human Resource Management. Such procedures should be
173 reviewed annually to ensure that best practices are being applied to the recruitment and
174 selection process to afford equal employment opportunities to all candidates and the
175 staffing needs of the University are fulfilled in a timely manner with the most qualified
176 candidates.

177 **IV. ACTING OR INTERIM APPOINTMENTS**

178 As a general matter, the University seeks to fill positions quickly with permanent hires. In some
179 instances, however, the University must make temporary appointments on an Interim or Acting
180 basis. "Interim" refers to a temporary appointment to a vacant post. "Acting" refers to a
181 temporary appointment congruent to another employee holding the permanent appointment but
182 is unavailable (ex. extended leave).

183 A. Non-Academic Administrator

184 While an Acting or Interim appointment for one year or less need not be advertised and
185 filled on a competitive basis, appointing officials are encouraged to conduct a search at
186 least within the University, department, or unit. Appointments of this nature must be
187 approved in advance by the Office of Human Resource Management and requisite
188 campus approvals must be obtained. Efforts should be made to identify women and
189 minority candidates for such appointments.

190 B. Academic Administrator

191 This sub-section pertains to administrative positions that are academic in nature.

192 1. While Acting or Interim appointments for one year or less need not be externally
193 advertised, they must be filled at least on a competitive basis internally to the
194 campus. Appointing officials are required to conduct a search at least within the
195 University, department, unit, or other overarching division, depending on the scope of
196 responsibility.

197 If a person to fill the permanent position has not been named, an Interim appointment may be
198 extended beyond one year. The hiring authority or designee for this case will solicit input from
199 constituency (e.g. faculty and staff in the unit or units of responsibility) and consider this input in
200 deciding to extend. If a person to fill the permanent position has not been named, an Interim
201 position can be extended beyond year two after considering the results of annual performance
202 review from the constituency and obtaining written authorization from the Chancellor or
203 designee.

204 **V. OTHER EXCEPTIONS TO THE ADVERTISING GUIDELINES (WAIVERS)**

205 In some circumstances, exceptions to the aforementioned guidelines may be permitted. In these
206 situations, the normal advertising requirements are not required or may be waived/limited.
207 Examples of situations in which advertising waivers may be approved include the following
208 personnel actions:

- 209 A. Visiting Faculty and Internship Appointments
- 210 If the internship program has been pre-approved by the Office of Human Resource
211 Management, appointments need not be advertised and filled on a competitive basis. If a
212 visiting faculty appointment will exceed one year, it must be advertised.
- 213 B. Temporary Appointments (180 days or less)
- 214 Such appointments need not be advertised unless they could result in a permanent
215 appointment. A waiver request is not required for appointment that will not exceed 180
216 days.
- 217 C. Promotions from within a Division, Department, or Unit (Non-faculty, Non-administrative)
- 218 When a vacancy occurs, the employing department may request an exception to the
219 advertising guidelines from the Office of Human Resource Management in order to
220 promote an employee who is currently employed within the department or unit where the
221 vacancy exists. All qualified employees in the department or unit where the vacancy
222 occurs must be considered for the promotion. After the department has selected the
223 employee to fill the position, the Office of Human Resource Management will, before
224 approving the appointment:
- 225 1. Review the qualifications of the position and determine if the selected employee
226 meets the minimum qualifications required for the position,
 - 227 2. Review the qualifications of all other qualified employees within the department or
228 unit who have applied for the position, and
 - 229 3. Review the University's Affirmative Action Plan's utilization analysis to determine if
230 underutilization of female and/or minorities exists within the EEO category in which
231 the vacancy occurs.
- 232 NOTE: Promotions to or in faculty rank must either result from a competitive external
233 search or part of the formal promotion and tenure review process as defined in [LSU](#)
234 [Eunice PS-12](#). Advertisement may not be waived.
- 235 D. Extraordinary Circumstances
- 236 Where justified, an exception to the normal advertising guidelines may be granted in any
237 extraordinary circumstance (ex. candidate possesses unique exceptional qualifications).
238 It will be incumbent upon the hiring authority to provide justification and appropriate
239 documentation where applicable. In cases related to academic administrative positions,
240 written authorization must be obtained from the Vice Chancellor for Academic Affairs
241 and the Chancellor or designee. The Office of Human Resource Management will review
242 exception requests for all other positions.
- 243 Any questions pertaining to this Policy Statement should be directed to the Office of
244 Human Resource Management.