MIDDLE TENNESSEE STATE UNIVERSITY POLICIES AND PROCEDURES MANUAL

POLICY NO: IV:07:16

DATE: January 6, 2010

SUPERSEDES POLICY: IV:07:16

DATED: January 14, 2002

SUBJECT: Equal Opportunity: Internal Audit and Reporting Systems

APPROVED: Sidney A. McPhee, President

I. INTRODUCTION

Middle Tennessee State University (MTSU) does not discriminate on the basis of race, color, ethnic or national origin, sex, sexual orientation/gender identity, religion, age, disability, or veteran status in its programs and activities involving students, employees, or other participants. It is the intent of the University to insure that all persons are treated fairly.

This policy is established to comply with the Office of Federal Contract Compliance Program's (OFCCP) Code of Federal Regulations (41 CFR 60-3) for Uniform Guidelines on Employee Selection Procedures. In addition, the policy complies with Tennessee Board of Regents (TBR) Policy No. 5:01:00:00 – General Personnel Policy, and TBR Guideline P-010 – Personnel Transactions and Recommended Forms.

II. INTERNAL AUDIT AND REPORTING SYSTEM

All administrative and supervisory personnel shall be responsible for implementing the University’s equal opportunity and affirmative action program. These employees shall be evaluated, in part, on the effectiveness of their participation in the equal opportunity and affirmative action program and their progress toward the achievement of equal opportunity and affirmative action goals. The University will insure fair employment practices in filling vacated and created positions.

The Director of Equal Opportunity and Affirmative Action (EO/AA) in the Department of Institutional Equity and Compliance (IE&C) shall have responsibility for:

A. Develop auditing and reporting systems to permit monitoring of progress by all areas.

B. Insuring compliance with the equal opportunity and affirmative action programs.
C. Monitor records of referrals, appointments, transfers, promotions, and terminations at all levels.

D. Providing affirmative action progress reports to university and external agencies. Deficiencies in meeting goals shall be reported to the President and other supervisory personnel.

E. Communicating regularly with supervisory personnel on matters of equal opportunity and affirmative action.

III. SELECTED AUDIT AND REPORTING PROCEDURES REGARDING EMPLOYMENT

A. Personnel Transactions

The President shall follow TBR policies and institutional affirmative action plans when making appointments to all positions at the institution, and those appointments requiring the Chancellor's approval will be reviewed in light of these expectations. All appointments, regardless of salary, including promotions and transfers, shall be reviewed and certified by IE&C prior to action.

B. Appointments Requiring Approval by the Chancellor

No offer of employment shall be made for positions requiring the Chancellor's approval until the appointment form has been signed by the Chancellor or his/her designee where required.

The following positions shall be submitted to the Chancellor for approval pursuant to TBR Policy No. 5:01:00:00 and TBR Guideline P-010:

1. Any position where an employee's salary will exceed $100,000 per year regardless of the position.

2. All applicant pools for upper-level administrators must be approved by the TBR prior to interviewing candidates for a position. Positions include: Vice presidents, chief business officers/managers, academic and administrative deans. These appointments are considered to be the chief officers of the institution or the president's council. Academic department and/or division heads, and Directors of the Centers of Emphasis and Excellence (including those officers who, with varying titles, have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level) shall also be submitted for review and approval.

3. All interim appointments to positions specified in 1 and 2 above.
4. Promotion or transfer in which the employee's salary will exceed $100,000 or which is one of the positions listed in 1 and 2 above. Promotions and transfers are an acceptable means of filling vacancies; however, such promotions and transfers shall be achieved within the parameters of the institutional affirmative action plan. A promotion resulting in a salary exceeding $100,000 shall be approved by the Chancellor even if the employee's current salary exceeds $100,000 per year. In addition, any vacant position created by that promotion shall be filled within the provisions of this policy.

5. All other position designated by the Chancellor.

C. Appointment Not Requiring Approval by the Chancellor

All appointments not listed in III.B.1, 2, & 3 may be approved at the institution by the President or his/her designee. The hiring procedures outlined in the following sections will be followed with the records being maintained at the institution. Records shall be maintained as described in Section VI, A.2. of TBR Guideline P-010.

1. The President shall be responsible for insuring compliance with the employment guidelines.

2. IE&C shall be responsible for monitoring recruitment and employment processes to insure compliance with guidelines and the institution's affirmative action program and objectives.

3. All staff promotions and transfers not requiring approval of the Chancellor must be reviewed and approved by Human Resource Services (HRS) and IE&C or appropriate designees in accordance with Policy No. IV:07:21 - Promotion of Classified, Executive and Administrative Employees.

IV. RECRUITMENT AND EMPLOYMENT PROCEDURES

Effective October 1, 2005, MTSU implemented an electronic recruitment and employment process. The process for administrative, classified, and faculty personnel is designed to increase objectivity in the recruitment and selection of applicants for employment at all levels and to enhance fair employment practices at the institution.

A. Recruitment and Employment of Administrative, Faculty, and Classified Personnel.

IE&C is involved in the employment process, from establishment of the search committee to hire. IE&C reviews the requisition and addresses with
the hiring manager any concerns regarding search committee composition; recruitment sources; area, departmental, and institutional goals; goals for particular job groups; and other concerns.

Even if the institution has met the overall institutional goal in an employment category, i.e., executive/administrative/managerial; faculty; professional non-faculty; secretarial/clerical/technical and paraprofessionals; skilled crafts; service/maintenance, there may be a goal for the area or department (job group) in which the vacant position is located which has not been met. For example, the overall institutional faculty goal of 4.5% black representation has been met, but the vacancy is in the job group of Arts and Sciences. Availability data in Arts and Sciences supports the affirmative action plan's goal of 7.0% black representation, which is higher than the overall institutional goal. In this case, efforts to recruit for the Arts and Sciences position will be directed toward qualified black candidates since the availability data shows the applicant pool should contain some qualified black candidates. A similar situation would apply to any underrepresented minority race. A second example relates to the availability of women in the particular job group vacancy. The total institutional faculty goal for women is 40.0%, but a higher number of women are available in the particular job group category. Therefore, in both examples cited above affirmative action recruitment must occur. In summary, the institution has an obligation to use the availability figures applicable to the particular vacancy to recruit qualified minorities.

The institution is also mindful that some academic disciplines, e.g., Nursing, Human Sciences, and some employment categories, e.g., clerical/secretarial, may be heavily staffed by females. In such areas where males are underrepresented, the institution will seek to address underutilization and/or underrepresentation through recruitment.

The straight parity measure (also called the "any difference measure") will be used in establishing goals. This measure is sanctioned by the Office of Federal Contract Compliance Program (OFCCP) regulations and TBR. It results in a one-to-one comparison of utilization to availability. If utilization is less than availability, underutilization must be addressed.

If affirmative action goals are met, equal employment opportunity is required. Race or sex cannot be used as a plus factor in hiring. However, affirmative action efforts are appropriate in the recruitment process to insure a representative pool. Discrimination on the basis of race, sex, sexual orientation/gender identity, religion, color, ethnic or national origin, age, disability, veteran status, or other illegal bases is a violation of law.

Any applicant needing specific assistance in the recruitment process may contact the following offices as appropriate:

Faculty: Executive Vice President and Provost for Academic Affairs
Staff: Human Resource Services.

Any concerns regarding fair employment practices may be directed to IE&C.

B. Record Keeping and Disposal of Records

Retention and disposal of records shall be in accordance with TBR Policy No.5:01:00:10 – Personnel Records, and TBR Guideline P-070 – Disposal of Records.

V. INTERVIEWING AT OFF-CAMPUS SITES (FACULTY RECRUITMENT)

The University supports efforts to recruit and employ faculty who are essential to the mission of academic quality. To be competitive, academic departments must continue to identify effective procedures that allow for timely interviews of applicants for faculty positions.

The following guidance applies to interviewing applicants at off-campus sites. The guidance applies only to candidates who are in a pool already approved by IE&C and who have participated in a previous telephone interview.

Search committee members participating in interviews at off-campus sites:

A. Shall reflect diversity of gender and race.

B. Shall consist of no fewer than 3 (three) members, and all members must be present at the time of the interview.

C. Shall consist of at least one member whose area of concentration is the same or similar to the advertised position.

Note: All information above must be provided to IE&C prior to conducting the interviews.

In addition to the above:

D. The interview questions must be job related and consistent for all candidates.

E. All candidates shall be invited to the off site interviews (screenings). If the off site interview is not possible for some candidates, they shall be given the opportunity to have an additional interview with the search committee.

F. Interviews shall be conducted in neutral, non-threatening areas.
G. Interviews shall not be conducted in hotel rooms of committee members or candidates.