21 Equal Opportunity: Internal Audit and Reporting Systems

Approved by President

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Sidney A. McPhee, President

Effective Date: ____________, 2021
Responsible Division: President
Responsible Office: Institutional Equity and Compliance
Responsible Officer: Assistant to the President for Institutional Equity and Compliance

I. Purpose

Middle Tennessee State University (MTSU or University) does not discriminate on the basis of race, color, religion, creed, ethnic or national origin, sex (including pregnancy), sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information 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 Policy 800 General Personnel.

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 and shall be evaluated, in part, on the effectiveness of their participation in these programs and their progress toward the achievement of equal opportunity and affirmative action goals. The University will ensure fair employment practices in filling vacated and created positions.

The Assistant to the President in the Office of Institutional Equity and Compliance (IEC) shall have responsibility for:

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

B. Promoting compliance with the equal opportunity and affirmative action programs.

C. Monitoring 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 University policies and affirmative action plans when making appointments to all positions at the University, and those appointments requiring approval of the Board of Trustees (Board) will be reviewed in light of these expectations. All appointments, regardless of salary, including promotions and transfers, shall be reviewed and certified by IEC, prior to action.

B. Appointments Requiring Approval by the Board.

1. All Vice Presidents or other executives reporting directly to the President (academic, business, student affairs, etc.) including all interim appointments.

2. Chairs of Excellence, including interim appointments.

3. Any other positions which may be designated by the Board.

C. Appointment Not Requiring Approval by the Board.

All appointments not listed in Section III.B.1-3 may be approved by the President or designee. The hiring procedures outlined in the following sections will be followed, with the records being maintained at the University.

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

2. IEC shall be responsible for monitoring recruitment and employment processes to ensure compliance with policies, standards, and the University’s affirmative action program and objectives.

3. All staff promotions and transfers must be reviewed and approved by Office of Human Resource Services (HRS) and IEC, or appropriate designees, in accordance with Policy 812 Promotion of Classified, Executive, and Administrative Employees.

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

IEC is involved in the employment process from applicant pool approval to hire. IEC addresses with the hiring manager any concerns regarding search committee composition; recruitment sources; area, departmental, and University goals; goals for particular job groups; and other concerns.

Even if the University has met the overall University 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.

The whole person measure will be used in establishing goals. This measure is sanctioned by the Office of Federal Contract Compliance Program (OFCCP) regulations. If utilization is measured to be at least one whole person 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 ensure a representative pool. Discrimination on the basis of race, color, religion, creed, ethnic or national origin, sex (including pregnancy), sexual orientation, gender identity/expression, disability, age (as applicable), status as a protected veteran, or genetic information is a violation of law.

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

1. Faculty: Office of the Provost
2. Staff: Human Resource Services
3. Any concerns regarding fair employment practices may be directed to IEC.

B. Record Keeping and Disposal of Records. Retention and disposal of records shall be in accordance with Policy 129 Records Management and Disposal of Records.

Forms: none.

Revisions: June 5, 2017 (original); __________, 2021.

Last Reviewed: ____________ 2021.