

AFFIRMATIVE ACTION HIRING PROCEDURES

PURPOSE

It is the purpose of this document to present a general format for the specific procedures Westfield State University will utilize with respect to recruitment, promotion and appointment to vacant positions.

POLICY

The procedures set forth in this *Plan* take into consideration both organizational limitations and opportunities with respect to current and future employees. The *Plan* calls upon all staff to engage in a major effort in order to fulfill the objectives of affirmative action and equal opportunity for all persons at all levels of employment, in compliance with all applicable collective bargaining agreements. The Assistant VP, Human Resources and Affirmative Action will monitor the employment policies of the University with respect to the areas of recruitment and appointment to vacant positions to assure compliance with the affirmative action/equal opportunity/diversity objectives of this *Plan*. The areas to be monitored should include, but not be limited to, pre-recruitment procedures, recruitment, selection, appointments (permanent, acting, emergency and temporary), salary and benefits, and shall include employees of continuing education, grant funded programs and other appropriate areas.

AUTOMATED APPLICANT TRACKING

The University uses a computerized system that automates many of the processes associated with the employment application process. This system provides the University with a customized on-line employment application, the ability to pre-screen candidates, web-based distribution of applications to hiring managers, automatic notification to applicants regarding the status of their application, and information to applicants regarding new positions matching their skills and interest areas.

The University's on-line hiring system complies with the Final Rule regarding internet applicants published by the Office of Federal Contract Compliance Programs ("OFCCP"), the federal agency that monitors the University's compliance with federal affirmative action requirements under Executive Order 11246. Under the Final Rule, the University is required to: follow OFCCP's definition of an "internet applicant;" retain certain electronic records; identify and

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REVIEWED: September 2011

collect, where possible, data regarding the race, gender, and ethnicity of each job applicant; and identify whether an application was received via the internet and other electronic means. OFFCP's Final Rule applies when:

- an individual submits an expression of interest in employment through the internet or related electronic technologies (including, but not limited to, e-mail, resume databases, job banks or the University's website);
- the University considers the individual for employment in a particular position;
- the individual's expression of interest indicates that the individual possesses the basic qualifications for the position; and
- prior to receiving an offer on employment from the University, the individual at no point in the University's selection process removes him or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

Under the Final Rule, the University may limit their solicitation of race, ethnicity and gender status data to applicants falling under the above criteria. The University, however, must retain records relating to expressions of interest submitted via the internet or related data technologies for any job seeker "considered" for a particular position, regardless of whether the job seeker meets the other criteria in the Final Rule. In other words, federal recordkeeping compliance is required whether the University uses internal or external resume databases (e.g., Monster.com).

Additionally, any automated applicant tracking system implemented by the University will comply with the requirements of the Americans with Disabilities Act of 1990 ("ADA"), Sections 503 and 504 of the Rehabilitation Act of 1973 ("Rehabilitation Act") and Massachusetts General Laws Chapter 151B, for providing those with disabilities access to the system. Equal access to the system will be provided for applicants with disabilities, including the provision of alternative formats or access, such as JAWS or zoom text. The University will provide technical support as well as information for persons with disabilities to contact the University to discuss their specific electronic application needs.

INSTITUTIONAL COMPLAINT PROCEDURES

The University has established specific internal complaint procedures to help resolve claims and complaints of discrimination, discriminatory harassment and retaliation on their campuses. The University's Discrimination Complaint Procedures also serve as a system of review and resolution for both informal claims and formal complaints of discrimination in hiring. These Procedures specifically address claims and complaints of failure to accommodate persons with disabilities as prescribed by the ADA, the Rehabilitation Act, and Massachusetts General Laws Chapter 151B.

Any applicant for employment who believes that he or she has been a victim of discrimination in hiring may initiate an informal claim or formal complaint as outlined in the Discrimination Complaint Procedures, which are set forth in full at Appendix 2. Further advice or information regarding the Discrimination Complaint Procedures may be obtained by contacting the Campus Director of any State University.

A. PRE-RECRUITMENT STAGE (GENERAL)

1. To assure compliance with the Affirmative Action/Equal Opportunity and Diversity Guidelines of this plan, the filling of vacant positions can best be accomplished by identifying competitive persons of color, women and persons with disabilities. In addition, internships and educational training programs can be developed in order to establish upward mobility mechanisms for employees.

B. PRE-RECRUITMENT STAGE (SPECIFIC)

1. Prior to the initiation of any search for an appointment of any employee to a new or vacated position, the Assistant VP, Human Resources and Affirmative Action will review the position description, including a consideration for any specified employment responsibilities and job-related requirements, in order to maintain compliance with the policy of affirmative action/non-discrimination and equal employment opportunity. The Assistant VP, Human Resources and Affirmative Action will also advise the area administrator of the need for a meeting to develop and implement an Affirmative Action Recruitment Action Plan.

c. RECRUITMENT STAGE

1. As a result of the pre-recruitment stage review, a decision will be made by the Vice President/President or designee as to the nature and duration of the search necessary in order to achieve an adequate, competitive pool of persons of color, women and disabled candidates. This decision will:
 - a. reflect the programmatic concern of meeting established institutional goals; and
 - b. reflect the availability of funds for recruitment.
2. The Assistant VP, Human Resources and Affirmative Action will be available to meet with the appropriate area administrator and/or faculty, librarians and administrators in the discipline or professional area to:
 - a. advise faculty, librarians and/or administrators of their affirmative action responsibilities; and
 - b. develop an Affirmative Action Recruitment Action Plan as outlined in the Hiring Guide, delineating actions to be taken, persons responsible for actions, and reporting requirements.
3. The Assistant VP, Human Resources and Affirmative Action will assist the screening committee in providing widespread notification to appropriate organizations, communities, institutions, and/or agencies likely to be in contact with competitive persons of color, women and persons with disabilities.
4. All vacated or newly created positions (except those part-time non-benefit positions which may be exempted by the University and those which are being temporarily filled on an emergency basis) which are to be filled must be posted for a minimum of 10 calendar days regardless of recruitment area. At the end of that time period, the initial recruitment stage will have been completed and the selection stage will have begun.

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D. SELECTION STAGE

1. The filling of all vacant positions may be through a Screening Committee or Screening Designee as determined by the President or designee. All permanent or tenure track full-time appointments to the faculty, library or administration will require a committee. The Assistant VP, Human Resources and Affirmative Action or her/his designee from the Affirmative Action/Equal Opportunity/ Diversity Advisory Committee (IDAC) may attend all Screening Committee meetings as a non-voting member.
2. Whenever possible, each Screening Committee will be structured to include persons of color, women and persons with disabilities.
3. The Assistant VP, Human Resources and Affirmative Action or her/his designee will meet with the members of the Screening Committee prior to the commencement of the selection stage to make them aware of the affirmative action/nondiscrimination regulations.
4. The Chair of the Screening Committee, in conjunction with the Assistant VP, Human Resources and Affirmative Action, will be responsible for approving the diversity of the application pool; determining whether or not the Affirmative Action Recruitment Action Plan has been implemented; determining whether or not the recruitment process was successful in obtaining reasonably sufficient numbers of competitive applicants who are persons of color and women; and, on the basis of that determination, recommending to the Screen Committee Chair and appropriate Vice President/President whether or not the search should be further extended and/or expanded. The Vice President/President, upon consultation with the Chair of the Committee, Screening Designee, and/or the Assistant VP, Human Resources and Affirmative Action may elect to extend recruitment efforts until such time as reasonable applicant pools of persons of color and women have been reached.
5. Once the determination has been made that the applicant pool is consistent with availability, the Assistant VP, Human Resources and Affirmative Action will electronically approve the applicant pool, approve interview questions and recommended candidates will be invited for interviews.

E. PRE-APPOINTMENT AND APPOINTMENT

1. After all preferred candidates have been interviewed by the Screening Committee or Screening Designee, recommendations will be made to the Vice President/President (through the appropriate administrative structure) in accordance with the guidelines established for that search. The recommendation must include a certification with the Assistant VP, Human Resources and Affirmative Action electronic signature that there has been adherence to the relevant hiring guidelines and regulations. The Assistant VP, Human Resources and Affirmative Action will be responsible for notifying the President of any alleged violation of affirmative action/non-discrimination guidelines.
2. The Vice President/President or designee will extend an offer of employment to the candidate or candidates who in her/his judgment best meet the qualifications necessary for the position and fulfill the needs of the University.

F. EMERGENCY AND/OR ACTING APPOINTMENTS

1. Under exceptional circumstances where emergency and/or acting appointments must be made, they will not be made for a duration of longer than one year unless otherwise approved by the Board of Trustees or the President during the initial action. In such cases, all efforts must be made to include all competitive persons of color, women and persons with disabilities in the consideration with respect to such appointments.

G. PROMOTIONS

1. A promotion will be defined as a formal personnel action, recommended or approved by the President, which advances in rank and/or position an employee without a formal search process and/or vacancy announcement. Nothing in this document shall deny the President the opportunity to promote from within; the presidential decision to promote from within, however, should be consistent with the *Massachusetts State College Affirmative Action/Equal Opportunity/Diversity Plan*.
2. It is the express purpose of this document to ensure that the objectives of upward mobility and those of affirmative action do not work at cross purposes to one another but to whatever extent possible are complementary and supportive.

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H. AFFIRMATIVE ACTION PROGRAMS-GRADUATE AND CONTINUING EDUCATION, PART-TIME AND TEMPORARY APPOINTMENTS

1. Part-time and temporary appointments and appointments to Graduate and Continuing Education programs shall follow existing affirmative action hiring practices and applicable collective bargaining agreements.

I. SALARY AND BENEFITS

1. Salaries and benefits shall be fixed and all other terms and conditions of employment shall be granted without discrimination on the basis or race, creed, religion, color, gender, sexual orientation, age, disability, veteran status, marital status or national origin.

J. INSTITUTIONAL COMPLAINT PROCEDURES

1. The University's Discrimination Complaint Procedures will serve as a system of review and resolution for both informal claims and formal complaints of discrimination in hiring and employment. Any member of the University Community or any applicant for employment who believes s/he has been a victim of discrimination in hiring or employment may initiate an informal claim or formal complaint as outlined in the University's Discrimination Complaint Procedures. Further advice or information may be obtained by contacting the Assistant VP, Human Resources and Affirmative Action.
2. Complaints that involve students may be investigated and adjudicated/processed in concert with the Student Conduct Office.

REVIEW

This document will be reviewed annually by the Assistant VP, Human Resources and Affirmative Action.