



2013 Affirmative Action Plan

Office of Institutional Equity

118 Hamilton Hall

406-994-2042

Introduction

Montana State University has prepared this Affirmative Action Plan (AAP) for its constituent campuses for the period of April 1, 2013 through December 31, 2013. In so doing then University reaffirms its commitment to the spirit and letter of affirmative action law including those administered by the U. S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). Through the implementation of this plan MSU continues its efforts to comply with appropriate government regulations and to make the best possible use of personnel while contributing to the betterment of society and the community. In developing this plan MSU recognizes its duty to ensure equal employment opportunity and to advance in employment individuals from protected classes as identified by federal law and executive order. The following statement of policy reinforces this belief for the Bozeman campus (MSU BOZEMAN).

Reaffirming Commitment to Equal Employment Opportunity

In setting forth this plan MSU BOZEMAN reaffirms its belief in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment.

Dr. Waded Cruzado, President of MSU (which includes MSU BOZEMAN), has designated Ms. Diane Letendre as the Equal Employment Opportunity Administrator (EEO Administrator) for MSU BOZEMAN. Ms. Letendre oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. The EEO Administrator also analyzes MSU BOZEMAN's selection processes in order to further the principles of equal employment opportunity.

As part of MSU BOZEMAN's commitment to this overall process, it seeks to take affirmative action to provide equality of opportunity in all aspects of employment and ensure that all personnel activities, such as the recruitment, selection, training, compensation, benefits, discipline, promotion, transfer, layoff and termination processes remain free of illegal discrimination and harassment. Regular review by MSU BOZEMAN, as described in this AAP, helps to ensure compliance with this policy.

Internal Dissemination of EEO Policy

41 C.F.R. § 60-1.42

MSU BOZEMAN posts copies of the equal employment opportunity notices that comply with 41 C.F.R. § 60-1.42(a) in conspicuous places (including, where applicable, electronic websites) available to employees and applicants for employment. The following list identifies the methods and locations MSU BOZEMAN may use in its ongoing efforts to ensure continuing dissemination of its policy and plan, although MSU BOZEMAN may not always use each or any of the below methods, and it may use other methods not listed below:

1. Internal employee manuals contain the policy statement.

2. The policy statement is posted on bulletin boards accessible to employees.
3. MSU BOZEMAN references the policy and progress in its annual report, newspaper, magazine and other publications.
4. Orientation meetings for new employees and in-house employment-related training include references to MSU BOZEMAN's policy.
5. MSU BOZEMAN publications, if any, including those with photographs, generally feature individuals of diverse gender, race, color, and national origin, where feasible.
6. Pertinent portions of MSU BOZEMAN's Affirmative Action Plan are available during regular business hours for inspection by employees and applicants for employment.

External Dissemination of EEO Policy **41 C.F.R. § 60-1.41; 41 C.F.R. § 60-1.5**

In solicitations or advertisements for employees placed by or on its behalf, MSU BOZEMAN complies with at least one of the following methods regarding the dissemination of its equal employment opportunity statement:

1. MSU BOZEMAN states expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or other characteristic identified in University policy. [41 C.F.R. § 1.41(a).]
2. MSU BOZEMAN uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, or national origin or other characteristic identified in University policy. [41 C.F.R. § 1.41(c).]
3. MSU BOZEMAN uses a single advertisement in which appears in clearly-distinguishable type the phrase "an equal employment opportunity employer or EO/AA Employer." [41 C.F.R. § 1.41(d).]
4. When pictures are included in these media, where feasible, efforts will be made to include pictures of individuals of diverse gender, race, and national origin.

The following exemplify the methods and locations MSU BOZEMAN may use in its ongoing efforts to ensure continuing dissemination of its policy and plan, although MSU BOZEMAN may not always use all of the these methods, and it may use other methods not listed below:

1. MSU BOZEMAN notifies subcontractors, suppliers and vendors about this policy, MSU BOZEMAN's AAP and their obligations to equal employment opportunity.
2. Through its web site, on-line catalog, contracts, and other publications and venues, MSU BOZEMAN advises recruitment sources, minority and female organizations, community agencies, leaders, secondary schools, and other colleges and universities of its on-going commitment to this policy and plan.
3. MSU BOZEMAN informs these sources that job applicants will be treated fairly without regard to their race, color, religion, sex, and national origin and are protected from discrimination based on the other characteristics listed in the Non-Discrimination Policy
4. MSU BOZEMAN communicates with the Montana Department of Labor and Industry in writing regarding the policy.
5. MSU BOZEMAN advises prospective employees of the existence of the AAP and makes pertinent portions of it available upon request, during regular business hours.

In addition, MSU BOZEMAN incorporates by reference the equal employment opportunity and affirmative action clauses into each of its covered Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes and such other contracts and subcontracts as required by law, purchase orders, lease agreements, Government contracts, and other covered contracts (and modifications thereof if not included in the original contract) in accordance with 41 C.F.R. § 60-1.4 (a) – (c) (unless exempted under 41C.F.R. § 60-1.5).

Responsibility for Implementation of the Plan

41 C.F.R. § 60-2.17(a)

A. Identification and Responsibilities of EEO/AA Administrator

Overall responsibility for MSU's Affirmative Action Plan rests with MSU President Waded Cruzado. The MSU BOZEMAN campus EEO Administrator is Ms. Diane Letendre who ensures that the plan complies with all applicable laws, orders and regulations, and Montana University System and MSU policies including but not limited to Executive Orders 11246, 13496, and their progeny.

Specifically, Diane Letendre or the designated representative's duties include:

1. Developing, maintaining and, where appropriate, modifying MSU BOZEMAN's AA plan to ensure compliance with the EEO/AA law.
2. Developing, and where appropriate, modifying procedures for effectively communicating the plan and its elements both internally and externally.

3. Advising management on EEO/AA progress, reporting potential EEO/AA problem areas, and assisting management in finding equitable solutions, where feasible, to any identifiable EEO/AA problem areas.
4. Evaluating the effectiveness of MSU BOZEMAN's plan on a regular basis, and reporting to management.
5. Designing, implementing, and overseeing audit and reporting systems that periodically measure the effectiveness of the total affirmative action program. 41 C.F.R. § 2.17 (d)(1)-(4), identifying need for remedial action, and determining the degree to which objectives have been achieved.
6. Acting as University representative and liaison with any government agencies regarding this plan.
7. Monitoring University policies and procedures with regard to terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
8. Auditing the content of MSU BOZEMAN's bulletin board, and electronic postings, as appropriate, to ensure that compliance information is properly posted and up to date.
9. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
10. Serving as a liaison between MSU BOZEMAN and organizations, especially minority organizations and women's organizations.
11. When necessary, developing management training programs to increase protected group participation.
12. Ensuring that complaints of harassment and discrimination from students, employees and others are handled promptly and appropriately.
13. Discussing EEO/AA policies with all personnel, including management, to ensure that MSU BOZEMAN's policies and the need for their support are understood at all levels.
14. Reviewing MSU BOZEMAN's AAP for qualified women and minorities with all managers and supervisors to ensure the policy is understood and followed in all personnel actions.
15. Conducting periodic reviews of offices and electronic postings to ensure compliance in the areas of proper display of posters and notices.

16. Conducting periodic reviews of University facilities to ensure that housing, recreational, and rest room facilities are comparable for both sexes, and provided in accordance with University and Board of Regents Policy.
17. Conducting periodic reviews of University programs to ensure that opportunities for participation in University-sponsored recreational, educational and social activities are provided in accordance with University policies.
18. Auditing University sponsored training programs, hiring, promotion and termination patterns to identify potential violations of University policies.

B. Management Responsibilities

Line and upper managers share responsibility for implementing the plan, including but not limited to the following:

1. Assisting in auditing plan progress, including identifying problem areas, formulating solutions, establishing appropriate goals, and developing necessary training programs.
2. Reviewing the qualifications of applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner in hiring, promotion, transfers, and termination actions.
3. Ensuring that the job performance evaluations of each employee are justifiably based on the employee's performance of his or her job duties.
4. Ensuring that position descriptions of the jobs in the manager's area of responsibility adequately reflect the job to be performed and do not require discriminatory qualifications.
5. Assisting subordinates and co-managers in the prevention of harassment.

Identification of Areas for Discussion

41 C.F.R. § 60-2.17(b)

MSU BOZEMAN's commitment to fully implement this policy and plan include periodic reviews of mission critical workforce factors in a number of ways, including performing in-depth analyses of its total employment processes, to determine whether and where impediments to equal employment opportunity may exist and to propose policies, procedures, or other actions to reduce those impediments.

These analyses include:

1. An annual study of continuing, non-student workforce by organizational unit and job group (Workforce Analysis) to assess minority or female utilization and distribution.

2. Periodic studies of interview, hiring and promotion and selection decisions to determine whether there may be selection disparities based on race, sex, national origin or other protected characteristic (Applicant Flow Studies).
3. On-going studies of compensation systems not covered by collective bargaining agreements to identify statistically significant disparities that may have been based on sex, race or ethnicity (Compensation Reviews for Non-Union Employees.).
4. Review of recruitment, referral, and recommendation, and other personnel forms and procedures to determine if they result in employment or placement disparities of minorities or women.
5. Reviews of any other areas that might impact the success of the affirmative action program including, for example,
 - a. Periodic studies of employment decisions and processes, including training programs to ensure they are available to minorities and women without restrictions based on race, color, sex, religion or national origin and there are no artificially-created barriers or restrictive seniority provisions.
 - b. Identifying problem areas and developing training and remediation programs to address the problem(s).

(Problem areas are identified and discussed in the section titled Narrative Discussion of Goals.)

Narrative Discussion of Goals

[Under Construction]

Development & Execution of Action-Oriented Programs

41 C.F.R. § 60-2.17(c)

In accordance with § 60-2.17(b), MSU BOZEMAN has instituted action-oriented programs designed to address any problem areas identified, should they exist, through the actions discussed above, and to help achieve specific affirmative action and diversity goals by making good-faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results.

These programs may include actions such as:

1. Reviewing job descriptions for open positions to ensure they accurately reflect actual job-related duties and responsibilities, reasonable, non-discriminatory qualifications, and established reporting lines.
2. Making good-faith efforts to select the most qualified candidates regardless of race, color, national origin, religion, sex or any other characteristic or attribute identified

under MUS and MSU Non-discrimination policy. MSU BOZEMAN recognizes the duty, should the need arise, to make good faith efforts to remedy any statistically significant underutilization of minorities and women.

Good Faith Efforts include but shall not be limited to:

- a) Evaluating its selection processes for Professional, Tenurable, Non-tenurable, Professional, and Classified employees to ensure freedom from bias based on race, color, religion, sex, and national origin through:
 - b) Reviewing the job applications and other pre-employment forms to ensure information requested is job-related;
 - c) Evaluating selection methods to ensure that they are job-related and consistent with business necessity, MSU goals, and MUS priorities;
 - d) Orienting search and screening committees and others involved in the hiring process on proper applicant review and interviewing techniques so that personnel actions are non-discriminatory and remain neutral to race, color, religion, sex and national origin; and
 - e) Reviewing selection techniques.
3. MSU BOZEMAN employs appropriate methods to attempt to improve recruitment and increase the flow of qualified minorities and women applicants in and through its recruiting process, including the following actions:
- a) Including the phrase: "Equal Opportunity/Affirmative Action Employer" in printed employment advertisements;
 - b) Placing help-wanted advertisements, when appropriate, in minority news media and women's interest media;
 - c) Disseminating information on job opportunities to organizations representing minorities, women, and to employment development agencies when job opportunities occur;
 - d) Encouraging all current employees to refer qualified applicants;
 - e) Actively recruiting in secondary schools, junior colleges, colleges and universities with predominately minority or female enrollments
 - f) Requesting employment agencies to refer qualified minorities and women.

4. MSU BOZEMAN considers using special employment programs designed to deal with underutilization. Business conditions and other feasibility matters remain the key factor in any decision to develop/implement such programs.
 - a) Whenever feasible and appropriate, MSU BOZEMAN sponsors and participates in job fairs, career days, youth motivation programs and other programs that foster exposure for qualified minorities and women.
 - b) MSU BOZEMAN encourages minorities and women to participate in University-sponsored activities and programs including but not limited to Expanding Your Horizons in Math and Science and Young Einsteins.
 - c) MSU BOZEMAN utilizes various community organizations and schools as referral sources.
5. MSU BOZEMAN reviews promotion criteria and procedures so that job qualifications form the basis for the promotional decisions without regard to race, color, sex, religion, or national origin. MSU BOZEMAN monitors promotion rates for minorities and women and, when necessary, may employ one or more of the following procedures:
 - a) Working with job training, job-related courses or certificate programs, especially to recruit skilled crafts workers.
 - b) Reviewing promotion specifications to ensure job-relatedness.
 - c) Conducting career counseling, where appropriate, during performance evaluations.
 - d) Informing employees about educational programs and other opportunities available to improve their employment prospects.
 - e) Reviewing seniority practices for possible impact on women and minorities.
 - f) Evaluating job requirements for promotion.

Internal Audit and Reporting System

41 C.F.R. § 60-2.17(d)

Diane Letendre, MSU BOZEMAN's EEO/AA Administrator, coordinates the implementation of MSU BOZEMAN's Affirmative Action Plan and assesses progress towards meeting the goals of that Plan. The EEO Administrator is responsible for ensuring that the formal AAP documents are developed and prepared and for the effective AAP implementation; however, responsibility is likewise vested in department managers and supervisors, depending upon their specific responsibilities.

1. The audit system is designed and implemented to measure the effectiveness of the total affirmative action program [41 C.F.R. § 2.17 (d)(1)-(4)], including:
 - a) Monitoring records of all personnel activity, including: placements, hiring, transfers, promotions, terminations, and compensation, at all levels, to ensure the nondiscriminatory policy is carried out,
 - b) Conducting internal reviews or audits to ascertain which equal employment opportunity and organizational objectives are attained,
 - c) Advising top management of the University's progress toward meeting goals and eliminating discrimination.
 - d) Submitting recommendations and action plans to improve areas of unsatisfactory performance. 41 C.F.R. § 2.17 (d)(1)-(4).
2. MSU BOZEMAN reviews various employment decisions, such as, hiring decisions, transfers, promotions, and terminations. MSU BOZEMAN maintains summary data where necessary and as feasible.
3. There is no "de facto" (in practice without being officially established) segregation. Further, MSU BOZEMAN ensures that facilities, as broadly defined in 41 C.F.R. § 60-1.8, provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result, provided that separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to ensure privacy.
4. MSU BOZEMAN complies with required records retention provisions set forth in 41 C.F.R. §60-1.12 and elsewhere in the applicable OFCCP regulations, and maintains a) employment applications (generally for two years); b) summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants, where necessary and feasible, and conducts regular reviews at least annually; c) applicant flow showing the name, race, sex, date of application, job title, interview status, and the action taken for all individuals applying for job opportunities, and the relevant applicant/hire decisions; d) summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification; e) and records pertaining to its compensation system.
5. MSU-BOZEMAN provides needed reports to managers and supervisors regarding the results of this Plan and the institution's overall progress in the area of EEO/AA. Reports of progress and obstacles to progress are made to senior management on at least a biennial basis (to conform to the Regents' funding and review cycles) or upon request.

Guidelines for Prevention of Sex Discrimination

41 C.F.R. § 20.1 et seq.

MSU BOZEMAN both ensures and promotes equal employment opportunity of its students, employees and applicants for employment without regard to sex. The University endorses and complies with the following policies.

1. MSU BOZEMAN employment advertisements do not express a sex preference nor does MSU BOZEMAN place advertisements in columns designated "males" or "females," unless sex is a bona fide occupation obligation. 41 C.F.R. §60-20.2(a).
2. Employees of both sexes shall have an equal opportunity to apply and be considered for any available job that they are qualified to perform, unless sex is a bona fide occupation obligation. 41 C.F.R. §60-20.2.
3. MSU BOZEMAN maintains gender-neutral personnel policies that expressly indicate that there shall be no gender discrimination against employees. The terms and conditions of any written collective bargaining agreements shall not be inconsistent with these guidelines. 41 C.F.R. §60-20.3(a).
4. MSU BOZEMAN makes no distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. 41 C.F.R §60-20.3(c).
5. At MSU BOZEMAN, the number and ages of children are not factors in job offer or employment decisions Further, the University will not make any distinction between married and unmarried persons of one sex that are not made between married and unmarried persons of the opposite sex. Nor will it terminate the employment of an employee of one sex in a job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex. 41 C.F.R. § 60.20.3(d) [or, in the alternative, Finally, the University shall not discriminate on the basis of sexual identity or family size and status except that it may designate certain restrooms or areas as “unisex” or for families and nursing mothers.]
6. MSU BOZEMAN has policies and practices to ensure appropriate physical facilities to both sexes. 41 C.F.R. § 60-20.3(e).
7. MSU BOZEMAN will not deny a female employee the right to any job she is qualified to work at jobs that require more than a certain number of hours or lifting above a certain weight. 41 C.F.R. § 60-20.3(f).
8. MSU BOZEMAN endorses and complies with the 1978 Pregnancy Discrimination Act, as it amended Title VII of the Civil Rights Act of 1964. MSU BOZEMAN applies any leave of absence policy uniformly, regardless of sex. 41 C.F.R. § 60-20.3(g).

9. MSU BOZEMAN must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age. 41 C.F.R. § 60-20.3(h).
10. MSU BOZEMAN's seniority lines and lists must not be based on sex. 41 C.F.R. § 60-20.4.
11. MSU BOZEMAN's wage schedules are not related to or based on the sex of an employee. 41 C.F.R. § 60-20.5(a). Further, MSU BOZEMAN does not discriminatorily restrict one sex to certain job classifications, and instead makes jobs available to all qualified employees in all classifications without regard to sex. 41 C.F.R. § 60-20.5(b).
12. When appropriate, MSU BOZEMAN makes affirmative efforts to increase the number and percentage of women in the workforce, including, but not limited to the following:
 - a) MSU BOZEMAN recruits women and encourages existing women employees to apply for positions historically labeled by society as "traditionally male".
 - b) MSU BOZEMAN guarantees equal, gender-neutral access to training and tuition reimbursement programs, including management training, and other types of workplace training programs.
 - c) MSU BOZEMAN informs management of its affirmative action responsibilities. 41 C.F.R § 60-20.6.