



## **2006 Affirmative Action Plan**

**Human Resources/Affirmative Action**

**110 Hamilton Hall**

**406-994-2042**



## Montana State University Mission Statement

Montana State University's Vision Statement states that the University will be the *"University of Choice"* for those seeking a student-centered learning environment distinguished by innovation and discovery in a Rocky Mountain setting.

The mission of Montana State University is to:

- *Provide a challenging and richly diverse learning environment in which the entire university community is fully engaged in supporting student success.*
- *Provide an environment that promotes the exploration, discovery, and dissemination of new knowledge.*
- *Provide a collegial environment for faculty and students in which discovery and learning are closely integrated and highly valued.*
- *Serve the people and communities of Montana by sharing our expertise and collaborating with others to improve the lives and prosperity of Montanans.*

*In accomplishing our mission, the University remains committed to the wise stewardship of resources through meaningful assessment and public accountability.*

## Montana State University Profile

Montana State University is a unit of the Montana University System and is the land-grant University of the State of Montana. Under the 1972 revision of the Montana Constitution, the governance and control of the Montana University System is vested in the Board of Regents of Higher Education which has full power, responsibility, and authority to control the higher education system. The Board of Regents (Regents or BOR) has the responsibility for coordinating the delivery of publicly supported post-secondary education in Montana. Accordingly, the Regents, with the Commissioner of Higher Education, approve the role and scope of each campus in the system, determine statewide educational needs, and provide leadership and support in meeting those needs.

Effective July 1, 1994, the Board of Regents combined units and created two universities of the Montana University System: the University of Montana and Montana State University. The campuses of the University of Montana are the University of Montana-Missoula, the College of Technology of the University of Montana, the Helena College of Technology, Montana Tech of the University of Montana, and Western Montana College. The campuses of Montana State University are Montana State University, Montana State University-Billings, Montana State University-Northern, and the Montana State University College of Technology at Great Falls. At present, each of these units is responsible for developing and implementing its own Affirmative Action Plan (AA Plan or Plan). This is the Affirmative Action Plan for Montana State University.

Founded in 1893 as Montana State College, Montana State University (MSU) has become a comprehensive post-secondary educational institution with an enrollment of over 12,000 students and a total workforce of approximately 4,000, including tenurable and non-tenurable academic faculty, University executives and administrators, contract professional, classified professional, and classified employees. Montana State University offers a broad range of baccalaureate and graduate degrees and currently offers programs leading to 51 degrees at the baccalaureate level, 42 degrees at the Master's level, and 18 doctoral degrees.

## Introduction

The Constitution of the State of Montana speaks directly to the equal opportunity and affirmative action commitments of the University:

*We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, **equality of opportunity** and to secure the blessings of liberty for this and future generations do ordain and establish this constitution. (Emphasis added)*

**Section 4. Individual dignity** continues:

*The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.*

**Section 35** speaks directly to the state's obligations to those who have served in the Armed Forces:

*The people declare that Montana servicemen, servicewomen, and veterans may be given special considerations determined by the legislature.*

Finally, **Article X, Section 1** states the duties of the University as an educational provider:

**Section 1. Educational goals and duties.** (1) *It is the goal of the people to establish a system of education which will develop the full educational potential of each person. **Equality of educational opportunity is guaranteed to each person of the state.*** (2) *The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.* (Emphasis added.)

## I. History and Background of Affirmative Action at MSU

### A. Affirmative Action Master Plan

In 1975, several faculty women filed a complaint of sex discrimination against the University and the Regents. In February 1976, Federal Judge W.D. Murray found the University "guilty of sex discrimination in four specific cases and in a class action involving all female faculty working at MSU in 1976 and the three preceding years." The corrective action ordered by the judge focused on four areas and resulted in the **Master Plan for M.S.U. Compliance with Court Orders Concerning Sex Discrimination**.

The four areas addressed in the Master Plan and the implementation of these action areas are discussed below:

#### 1. Improvement of Affirmative Action Plan

The University's Affirmative Action Plan was brought into compliance with federal guidelines and approved by Judge Murray in 1978. The plan is reviewed annually. The Narrative, Responsibility, Policy, and Action sections of the Plan are updated as needed; the studies, goals and timetables are updated annually.

## **2. Inclusion of Women in University Decision-Making**

University policies require that women comprise 20-25% (minimum) of search, screening, promotion and tenure, and other University committees that make significant, long-range decisions for the University, whenever the particular committee's membership is not filled by election and achieving this representation does not present an undue hardship. The Human Resources/Affirmative Action (HR/AA) Office monitors compliance with this requirement.

## **3. Correction of Promotion and Tenure Criteria and Inclusion of Policies and Procedures to Eliminate Illegal Discrimination**

The University's criteria, standards, policies, and procedures for the review of tenurable faculty for retention, tenure, and promotion were revised in 1993-1995. These revisions triggered revisions at the College and Department levels. The revised policies and procedures went into effect in 1998. Elimination of discrimination was a major concern of all committees involved in this effort. The HR/AA Director was a member of the Task Force that recommended the 1995 revisions and of the writing and implementation committees.

## **4. Correction of Equal Pay Violation and Payment of Damages for Past Pay and Promotion Inequities**

Payment of damages was completed by 1983. The Salary Administration Plan for Faculty was developed and became effective in FY 86.

## **B. On-Going Objectives of the Affirmative Action Program**

The Affirmative Action Program of Montana State University has the following on-going objectives:

- Assist the University in becoming a more diverse and pluralistic institution.
- Increase the presence of protected classes that are especially significant in Montana: women, Native Americans, covered veterans, and persons with disabilities, in the University's workforce and student body.
- Ensure compliance with state and federal civil rights laws.
- Coordinate and monitor recruitment and hiring activities to ensure equal opportunity and take affirmative action as appropriate.
- Adjudicate complaints of discrimination and/or sexual harassment according to the University's Non-Discrimination policies and procedures.
- Serve as a resource to administrators, faculty and staff to ensure their decisions are informed by an understanding of affirmative action, civil rights, and related policies.
- Prepare, in cooperation with the Office of Planning and Analysis, required and requested studies and reports.
- Develop policies, procedures and plans to assist the institution in diversifying its workforce and achieving its mission.

## C. Actions to Increase Campus Diversity

MSU's actions to increase campus diversity have focused on three priority areas: multi-cultural diversity and minority participation, persons with disabilities, and women.

### 1. Focus on Multi-Cultural Diversity and Minority Participation

In 1992, the Board of Regents established "diversity" goals for higher education in Montana and required each unit to develop a Campus Action Plan to promote multi-cultural diversity and increase minority participation on campus. Montana State University completed its Campus Action Plan and presented it to the Regents in January 1992. The University reports on its efforts to implement the Plan as required by the Commissioner of Higher Education.

The Board of Regents Minority Achievement Policy states:

*The Board of Regents recognizes the desirability for campus environments to promote multicultural diversity and for the participation and achievement of American Indian and other minority students to be, at a minimum, equal to their representation in the state's population. To that end, the Board pledges its cooperation with the Board of Public Education, the Office of Public Instruction, American Indian tribal colleges, and other American Indian and minority entities within the State and adopts the following goals for higher education in Montana:*

*1. To enroll and graduate American Indians and other minorities in proportion to their representation in the state's population. In measuring the outcome of this goal it is expected that the students would originate from the State of Montana and that the proportional representation would apply both at the undergraduate and graduate levels. Further, it is expected that the minority students would have comparable levels of achievement with non-minority students.*

*2. To increase the employment of American Indians and other underrepresented minorities in administrative, faculty and staff positions to achieve representation equal to that of the relevant labor force.*

*3. To enhance the overall curriculum by infusion of content which enhances multicultural awareness and understanding.*

In 1997, the Board of Regents approved a directive for Montana State University that speaks directly to the University's commitment to affirmative action for the Native peoples of the State:

*MSU is committed to enhancing educational and professional opportunities for all protected classes and has a special dedication to developing progressive options for Montana's Native American population.*

In keeping with this policy, the University has undertaken numerous activities aimed at increasing diversity and enhancing educational opportunities for protected class members with special concern for Native American programs.

Such efforts have included:

- Establishing, in 1979, an undergraduate minor in Native American Studies and funding the Center for Native American Studies. A graduate program in Native American Studies was approved by the Regents in 1998.

- Hiring, since 1995, minority student recruiters in New Student Services to directly recruit students from tribal colleges and high schools with high percentages of American Indian enrollees.
- Recruiting American Indian students through the “Rockin’ the Rez” program.
- Initiating the Tribal Homelands Scholarship Program which pays out-of-state tuition (not resident tuition) for Native students whose tribal homelands once included the land that has become the state of Montana.
- Founding and convening the Council of Tribal Elders to advise the President in regards to the University’s educational commitments and activities in relation to the descendants of the continent’s first peoples, particularly the tribes of the State of Montana, as mandated in the Constitution of the State of Montana. Specifically, the Council will focus on the University’s “commitment of resources to the provision of services and programs to Native peoples, and institutional strategies for improving the education, recruitment, retention, and graduation of Native students.”
- Making a commitment to the building of a Native American Student Center and initiating first steps toward implementing a fund-raising effort to that end.
- Establishing, in 1998, the Multi-Cultural Resource Center, which is now the Diversity Awareness Office, located in the Student Union Building. The programming is funded primarily by student fees and staffed primarily by students. It sponsors awareness and outreach programs for the campus and community.
- Establishing programs and services specifically to help the institution prepare Native American and other ethnic and minority students to succeed in college, provide support programs and services to students, and ensure the distribution of knowledge and assistance to tribal people on and off reservations. A current list of these programs and services is maintained in the HR/AA Office.

## **2. Focus on Accessibility for Persons with Disabilities**

The University has a long-standing commitment to providing educational opportunities and services to persons with disabilities by ensuring that its programs and services are accessible. The age of many campus buildings, the steepness of the slope from building to building, and the severity of Bozeman winters have led the University to develop a Transition Plan for Disability Accommodation that focuses on maximizing building accessibility for priority buildings and ensuring that programs not in accessible buildings are made available in these buildings.

In 1980, the University established the “Resource Center,” which is now the “Disability, Reentry and Veterans’ Services,” to serve students with disabilities, veterans, and students over traditional age. Disabled Student Services (DSS) is committed to facilitating Montana State University’s goal of making its programs, services, and activities accessible to students with disabilities.

Toward this end, DSS strives to enhance awareness of and sensitivity to the needs of persons with disabilities at MSU and to ensure full access to educational opportunity for persons with disabilities as required under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

### **3. Focus on Women**

In 1982, the University established the Women's Resource Center, which is now known as the Women's Center. The Center is a department in the division of Student Affairs and was created to promote greater responsiveness to the needs of university women. The Center is open to all students, staff, faculty, and community members, male and female.

The Center provides a place for students to stop by, relax, and explore their concerns, issues, and options through information and conversation. Campus and community members are encouraged to become involved in the Center through work study, volunteer, and internship positions.

In 1990, the University approved offering a Women's Studies Minor, an interdisciplinary set of courses designed to supplement a student's academic major.

Women's Studies challenges students to analyze the social, political, psychological, religious, and economic factors which have shaped women's lives over time and across cultures, and encourages them to examine the ways gender has affected human life. It also addresses the interplay of race, ethnicity, class, and sexual preference in determining social roles and cultural values.

## **II. Compliance with Policies and Regulations**

### **A. Section 504 of the Handicapped Rights and Rehabilitation Act and the Americans with Disabilities Act**

The University completed its 504 Self-Evaluation in 1980, reviewed this Plan in 1991 to ensure compliance with the Americans with Disabilities Act, and developed its current "Transition Plan" in 1998. The University is committed to making all its programs accessible and continues to make progress in making buildings accessible. Central to the University's efforts has been the concept of targeting specific buildings and facilities for maximum accessibility while bringing other, older buildings only to minimum standards.

Administrators and staff of programs located in minimally accessible buildings are required to make their programs accessible through all practical means, including scheduling events and classes in the targeted buildings, meeting with students, clients, and citizens in accessible locations, and making reasonable accommodation to the needs of disabled students and clients.

### **B. Vietnam Era Veterans Readjustment Assistance Act of 1974, as Amended**

MSU complies with the reporting requirements of the Veterans Employment Opportunities Act of 1998 and annually submits the Federal Contractor Veterans Employment Report (VETS 100 Report).

The "Notification to New Employees" forms are revised as needed to bring the invitation to self-identify into compliance with OFCCP guidelines.

### **C. Montana Veterans Employment Preference Act, as Amended**

The State of Montana Veteran's Employment Preference Act requires public employers to provide preference in employment to veterans, disabled veterans and certain eligible relatives of veterans. This preference is either a point preference where a specified percentage of the available points is added to the veteran's or relative's score on a point-scored procedure or instrument or a hiring preference given

when the eligible veteran or relative and another non-eligible applicant are substantially equally qualified. The Veteran's Preference Notice form is updated as necessary.

#### **D. Gender Equity in Athletics**

Effective July 1, 1993, the two separate Men's and Women's Athletic Departments were combined into one Department of Athletics. In 1995, the University completed its Self-Study for NCAA Certification reports which resulted in the development of the 1996-2001 Equity Plan for Intercollegiate Athletics.

The University has annually completed the Equity in Athletics Disclosure Act reports. (<http://www.montana.edu/opa/eada/eada96.html>) These reports show that the institution is in compliance with Title IX of the Education Amendments of 1972 in the participation of women in athletics compared to the percentage of women in the undergraduate student body. The University has also made significant progress in meeting its goal of increasing the percentage of athletic-related student aid awarded to women students so that it more closely equals the percentage of their participation.

The University completed the NCAA re-certification process during the 2007-08 academic year. (available in the Department of Athletics). The Human Resources/Affirmative Action Director serves on the Athletic Gender Equity Review Committee to participate in preparing the recertification reports.

#### **E. Guidelines on Discrimination Because of Sex**

It has been and will continue to be the policy of Montana State University not to discriminate on the basis of sex. To this end, the University commits to the following:

- Advertisements be placed in a general category or in a category for type of position. No advertisements may be placed in columns indicating "Help Wanted...Female" or "Help Wanted...Male."
- No preference for male or female applicants may be indicated in any advertisement except when, as with locker room attendants, sex is a bona fide occupational qualification for the position.
- All print advertisements shall contain, at a minimum, the notice that MSU is an "ADA/EO/AA/Veteran's Preference Employer."
- Current and recently retired MSU employees of both sexes will be recruited and considered for acting and permanent positions, unless sex is a bona fide occupational qualification.

All applicants and employees have equal opportunity to compete for any job for which they are qualified. Sex has not been considered a bona fide occupational qualification for any job at the University except the positions of Locker Room Attendant, Residence (Hall) Assistant, and Residence (Hall) Director. To ensure nondiscrimination in the first of these positions, in 1998, the locker rooms in Romney Gym were reconfigured and new entryways built so the attendant no longer had to enter the women's locker room in order to access the towel room. This has meant that both men and women are now eligible to work as locker room attendants in the Marga Hosaeus Fitness Center. In regard to the latter two positions, both men and women are recruited and trained to staff the residence halls. However, since the University has both single sex and co-ed residences, for privacy reasons, male residence staff are assigned to men-only halls; women staff to women-only halls. Both men and women are assigned to co-ed halls.

## **F. Non Discrimination Employment Practices**

The University is committed to non-discrimination in its employment practices; specifically:

- Appropriate and comparable physical facilities, including offices, rest rooms, locker rooms, residences are provided to members of both sexes.
- No difference is made between women and men as to retirement age.
- Both men and women are eligible for all training programs and benefits offered by the University. Women interested in career advancement are encouraged to participate in management training programs both within and outside the University.

## **G. Discrimination Because of Religion or National Origin**

Montana State University does not discriminate on the basis of religion or national origin. To ensure that all students, applicants, and employees are not discriminated against because of religion or national origin, the University:

- Informs all employees of its commitment to equal opportunity without regard to national origin or religion by posting the Non-Discrimination/Affirmative Action Policy on the University's home page and by publishing the policy in the University Bulletin and the Class Schedules.
- Utilizes a wide range of recruitment sources and strategies to provide equal employment opportunity without regard to religion or national origin.
- Works with tribal colleges, ethnic organizations, and other groups for education, assistance, and referral of potential students and employees.
- Accommodates the religious observances and practices of employees and prospective employees except where such accommodation causes undue hardship on the conduct of the University's business.

The extent of the University's obligation to accommodate the religious practices of its employees and students is determined on a case by case basis by considering such factors as business necessity, financial costs and expenses, the availability of personnel and resulting personnel problems, and course requirements.

## **H. Other State and Federal Regulations**

The University is subject to several state and federal laws that require specific implementation. These laws include:

The Vietnam Era Veterans Readjustment Assistance Act of 1974, Public Law 93-508, as it amends 38 U.S.C 2012, the Vietnam Era Readjustment Assistance Act of 1972. This act requires that federal contractors with contracts of \$10,000 or more "take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era."

The Rehabilitation Act Amendments of 1974, Public Law 93-516 to the Rehabilitation Act of 1973, and Public Law 93-112 require federal contractors with contracts of \$2,500 or more to take affirmative action to employ and advance in employment qualified handicapped individuals.

The Americans with Disabilities Act prohibits discrimination on the basis of disability in all employment practices including job application procedures, hiring, firing, advancement, compensation, training and other terms and conditions of employment. Provisions of the ADA require the University to make reasonable accommodation to the known disabilities of individuals with disabilities in the recruitment and hiring processes as well as in the performance of job duties.

The Montana Veterans Employment Preference Act requires public employers to provide point or other preference in employment to eligible veterans, disabled veterans, and certain relatives of veterans. To claim preference, the veteran, disabled veteran or relative of a disabled veteran must use the form electronically available from HR/AA.

The State of Montana prohibits any state agency or post-secondary educational institution from employing any person who meets the selective service registration requirement of the Military Service Act, 50 U.S.C. Appendix 451 ff, et seq, and but has failed to register. Effective July 1, 2001, the Montana University System does not employ or provide financial assistance to any person who is required to register with the selective service but has failed to do so.

### **III. Classification and Compensation of Employees**

*NOTE: As of publication of this Plan, tenurable and adjunct faculty have recently voted to become part of collective bargaining units. Therefore, information regarding terms and conditions of employment and/or policies and procedures presented below may change with the ratification of a bargaining agreement.*

The University divides its employees into the following groups which correspond to the categories established by the EEOC for statistical reporting:

#### **A. Administrators, Executives, and Managers**

This category represents the senior executives of the University who are responsible for the administration of the University as a whole or of a significant, customarily recognized unit thereof. Specifically this group includes "University Executives," as identified by the Board of Regents, and "University Administrators" as defined by the Recruitment and Hiring Manual.

##### **1. University Executives**

This category includes the most senior administrators of the University as identified by the Board of Regents. These employees are hired on Board of Regents Contracts which are approved by the Board and administered under BOR Policy 711.2. Salaries are administered under the "Salary Guidelines for Non-Faculty Contract Employees," approved by the BOR in May 2006. Specifically, at MSU, these are the:

- President,
- Vice Presidents,
- Provost,
- Vice Provosts, and
- University Legal Counsel.

##### **2. University Administrators**

By University policy, this category of employees represents senior managers and administrators of the University as a whole or of significant, customarily recognized units thereof and are hired on a Montana University System contract. Compensation for University administrators is approved by the BOR and administered under the "Salary Guidelines for Non-Faculty Contract Employees," approved by the BOR in May 2006.

University administrators include employees with the following position titles:

- Executive Directors,
- Deans,
- Assistant and Associate Deans
- Administrative Directors, and
- Compliance Directors

as well as other employees in autonomous, policy making positions of similar complexity and risk. [See BOR Policies 711.1 and 711.2]

## **B. Faculty**

This category of employees includes tenurable and nontenable faculty as defined below.

### **1. Tenurable Faculty**

Tenable faculty is a category that includes tenured faculty who have earned tenure according to Board of Regents and University policies and tenure-track faculty who are in appointments that may lead to tenure. Tenurable faculty are engaged in the teaching, research, and service missions of the University and are hired on Montana University System contracts with the expectation of continuous renewal of their annual employment contracts.

#### **a) Rank and Promotion**

Tenable faculty are appointed at an academic rank which is associated with tenure status and awarded to reflect the achievements and accomplishments of the faculty member.

The tenurable ranks are:

- Assistant Professor,
- Associate Professor, and
- Professor.

Promotion from Assistant Professor to Associate Professor and from Associate Professor to Professor is considered advancement in the individual's rank and not a promotion into an open position.

#### **b) Compensation**

Compensation of tenurable faculty is dependent on both "universal" and "individual" factors.

Universal factors include:

- the floor salary applicable by rank to all faculty,
- state funds allocated for salary increases, if any, and
- any directives as to the administration of raises by the state compensation plan, the Legislature, and/or the Board of Regents.

Individual factors include:

- the faculty member's salary at hire (based on academic discipline and market factors by discipline),
- his or her rank and time in rank,
- his or her tenure status,
- his or her annual performance and performance over time (merit)
- retention or equity adjustments, and
- comparisons to Oklahoma State University Salary Survey comparators (market).

**c) Salaries of New Hires**

Salaries of new hires are set by the department head and generally based on available resources, MSU faculty salary floors by rank, and the Oklahoma State University (OSU) salary survey of new hires by academic discipline (CIP code).

Salary Floors are the minimum salaries that can be paid a tenurable faculty member at MSU. They are based only on the faculty member's rank, regardless of academic discipline, annual performance, or market factors. Floor salaries have changed over time to ensure that faculty salaries remain comparable with base salaries at other institutions. See <http://www.montana.edu/opa/facts/SalaryFloors.html> for a historical review of floor salary increases since they were instituted in 1989.

**d) Annual Salary Increases**

Salary increases (raises) are administered by department heads, according to guidelines and/or formulae approved by the department faculty. Raises are based on the directives of the Board of Regents and/or the University President and take into account the following components:

- **Floor** - A minimum salary for tenurable faculty by rank, regardless of discipline. Faculty hired into tenurable positions must receive a salary at least as high as the floor for the rank. If, when a faculty member is promoted, his or her salary falls below the floor for the new rank, a salary increase to that floor is made from central funds. Any other salary increases made from departmental funds are added to the new floor salary. See [Faculty Salary Floors](#) for current values.
- **Merit** - An increase based on a faculty member's annual performance evaluation. The department head prepares an annual review card summarizing the faculty member's overall performance using one of the following ratings:

EP - Extraordinary performance  
 EE - Exceeded expectations  
 ME - Met expectations  
 BE - Below expectations  
 UP - Unsatisfactory performance

Many departments use +/- to make finer distinctions within these summary ratings.

- **Market** - An adjustment made to a base salary considered out of line with others in the department or far below the national average salary for a given rank and discipline. Oklahoma State University's annual [Faculty Salary Survey](#) of institutions belonging to the National Association of State Universities and Land-Grant Colleges provides comparative salary information for faculty in most academic departments.

- **COLA** - A cost-of-living increase given to all faculty within a department or college regardless of performance.
- **Special** - An increase given under special circumstances such as promotion or in conjunction with retention and retirement agreements.
- **Administrative/Grant** - An administrative or grant-funded salary component which is not part of the base salary and therefore independent of floor, merit, market, and COLA increases.

The history of percentage salary increases for different categories of employees is available at: <http://www.montana.edu/opa/facts/SalaryIncreases.html>.

Since 2003, tenurable faculty who have been promoted in rank have received an “automatic” salary increase to recognize the importance the University places on that accomplishment. The increase for promotion to Associate Professor was established as \$2,000 in 2003 and raised to \$2500 in 2005. The increase for promotion to (Full) Professor was established at \$4000 in 2003 and increased to \$5000 in 2005.

#### **e) *Role of the Faculty Salary Review Committee***

This Committee establishes procedures for the implementation of the University's salary administration program for faculty and for reviews salary recommendations to insure they conform to the equitable application of standards. This Committee does not hear appeals or grievances from individual faculty regarding their salaries.

Three (3) tenured faculty members serve three (3) year staggered terms, and are appointed by the Provost and Vice President for Academic Affairs from nominations submitted by Faculty Senate. Voting ex officio members include the Provost and Vice President for Academic Affairs, the Vice Provost for Academic Affairs, and the Chair Elect of Faculty Council. Nonvoting ex officio members include the Director of Affirmative Action and the Associate Director of the Office of Planning and Analysis. The Chair is the Vice Provost for Academic Affairs.

At least twenty five percent (25%) of the voting members of the committee shall be women or minorities.

## **2. Nontenable Faculty**

Nontenable faculty are employees who are engaged in the teaching mission of the University but who have appointments that do not lead to tenured status. A nontenable faculty member is appointed with a title that indicates an academic rank that is not associated with the process of earning tenure and contains a modifier indicating the nature of the appointment.

Nontenable faculty are hired on a Letter of Appointment which is for a specific term and expires without notice at the end of that term. Notice of non-renewal of the contract is not required.

#### **a) *Research Faculty***

Nontenable Research Faculty are distinguished from other research appointees in that they are assigned responsibility for helping departments achieve their teaching goals through such activities as serving on curriculum and/or graduate committees, assisting in teaching courses, and mentoring students. They are appointed with the following titles:

- Assistant Research Professor

- Associate Research Professor
- Research Professor

**b) Teaching Faculty**

Nontenurable Teaching Faculty are responsible for helping accomplish the teaching mission of a department, usually by teaching assigned courses, advising students, serving on curriculum committees, and/or redesigning laboratories or learning modules . They are appointed with the titles discussed below.

Adjunct Faculty titles are:

- Adjunct Instructor
- Adjunct Assistant Professor
- Adjunct Associate Professor
- Adjunct Professor

Visiting Faculty Titles

The “Visiting” title implies that the employee has an established career at another university or with another employer, is sharing his or her expertise at MSU temporarily, and is in pay status. The titles are:

- Visiting Artist
- Visiting Instructor
- Visiting Assistant Professor
- Visiting Associate Professor
- Visiting Professor

Affiliate Faculty Titles

“Affiliate” titles are used for employees who are not paid by the University but whose appointment carries library and other, limited faculty privileges. The titles are:

- Affiliate Instructor
- Affiliate Assistant Professor
- Affiliate Associate Professor
- Affiliate Professor

Other Approved Titles

- Clinical Resource Nurses
- Tutors
- Extension Agent, and
- Trainers (non-athletic).

**c) Compensation**

There is no University-wide compensation plan for nontenurable faculty. Colleges and departments are encouraged to establish floor salaries for non-tenurable faculty that take into account the level of the course taught, the education and experience of the appointee, market value associated with the academic discipline; and/or demand factors associated with the availability of qualified applicants.

## **C. Professional**

Professional employees are non-faculty, non-executive, non-administrative and non-union employees who:

- Conduct independent, scientific and engineering research,
- Manage units that are customarily associated with institutions of higher education, or
- Perform independent work that directly accomplishes a mission or directive of the University, or
- Provide direct academic, student service, and/or institutional support as directed by senior managers and administrators.

This category includes “Classified Professional” employees and “Contract Professional” employees. Classified professional employees have classified appointments. Contract professional employees are appointed on a MUS Employment Contract approved by the Commissioner of Higher Education or on a MSU Letter of Appointment approved by the President.

The work of a professional employee meets the Montana criteria for overtime exemption, is autonomous in nature, and involves policy making authority. Policies related to contract professional employees are available in BOR Policy 711.1 and 711.2 and Section 224.00 of the Recruitment and Hiring Manual.

### **1. Research Professionals**

Research employees, whose responsibilities are to advance the research mission of the University, are usually appointed on Letters of Appointment and are subject to the availability of funds. In the event that funding is not available or is not sufficient to support the position, the appointment may be terminated before the expiration of the term of the appointment.

Research appointments are for a specified term and expire automatically without notice at the end of the term, unless renewed prior to expiration. There is no continuing right to reappointment to any nontenurable research appointment, and reappointment is solely at the discretion of the University.

#### **a) Titles**

Approved titles for research professionals are described in the Faculty Handbook and the Recruitment and Hiring Manual and include:

- Research Scientist
- Senior Research Scientist
- Research Engineer
- Senior Research Engineer
- Postdoctoral Researcher, and
- Research Associate

#### **b) Compensation**

Research employees are compensated according to the Salary Administration Plan for Research Professional Employees described in Section 214.00 of the Recruitment and Hiring Manual.

## 2. Contract Professional (Non-Research)

A contract professional employee is a non-classified, non-faculty, non-executive employee appointed on a MUS Employment Contract approved by the Commissioner of Higher Education or on a MSU Letter of Appointment approved by the President.

The work of contract professional employee is autonomous in nature and/or involves policy-making authority. In addition, the employee's work customarily and regularly requires the exercise of discretion and independent judgment over a discrete work area or set of responsibilities. Such work cannot be assigned or measured in relation to a given period of time, and is salaried (i.e., exempt from overtime). [See BOR Policies, Section 711.1. (3).]

### a) **Titles** (include but are not limited to)

- Director
- Fiscal/Budget Manager
- Administrative Manager
- Communications Specialist
- Human Resources Specialist
- Coordinator
- Program/Project Coordinator
- Specialist
- Officer
- Manager

### b) **Compensation**

As of FY 2007, the University has not established salary floors for most contract professional positions. Hiring authorities should consult the College and University Professional Association for Human Resources (CUPA-HR) Salary Surveys for data on salaries for comparable positions across other higher educational institutions.

## 3. Classified Professional

Classified professional employees are exempt from overtime and compensated according to the pay plan established by the Office of the Commissioner of Higher Education.

### D. Administrative Support Workers (Secretarial/Clerical)

Administrative support workers are overtime eligible employees who are represented by a Collective Bargaining agent. They perform secretarial and clerical duties in support of University executives, administrators, faculty, and professional employees.

Compensation of Administrative Support Employees is according to the pay plan negotiated by the Commissioner of Higher Education.

### E. Technical/Paraprofessional Workers

Technical/Paraprofessional workers perform work requiring technical expertise. They are overtime eligible employees who are represented by a Collective Bargaining agent. Their compensation is negotiated by that agent with the Commissioner of Higher Education.

## **F. Skilled Crafts Workers**

Skilled Crafts Workers perform a variety of advanced journey-level skilled craft duties in skilled trades such as carpentry, construction, painting and plumbing. They are overtime eligible employees who are represented by a Collective Bargaining agent. Their compensation is negotiated by that agent with the Commissioner of Higher Education.

## **G. Service Workers**

Service/Maintenance workers perform duties that result in or contribute to the comfort, safety, convenience, and hygiene of University staff, students, and visitors or contribute to the upkeep of the institutional property. They are overtime eligible employees who are represented by a Collective Bargaining agent. Their compensation is negotiated by that agent with the Commissioner of Higher Education.

# **IV. Studies and Methodology**

## **A. Studies**

Montana State University prepares studies based on a snap shot of employees usually taken on the November payroll when the employees to be hired for Fall semester have been processed and the employees to be hired for start of Spring semester have not been hired.

The University does not currently conduct **Set Goals** or **Progress Toward Goals** studies because, despite having a workforce of over 4000, most employees are in position groups where either the total number of employees in the group is less than 50 or the number of women and ethnic/racial minorities meeting qualifications for the position is so small that, in either case, that, once calculated, the goals round down to zero.

- Workforce Analysis Tables 1A, 1B
- Position Group Analysis Tables 2A, 2B
- Availability Analysis Table 3
- Utilization Analysis Tables 4A, 4B
- Availability & Utilization Analysis, Faculty Only Table 4C
- Applicant Flow Studies Table 5

## **B. Organizational Profile/Workforce Analysis**

The Organizational Profile/Workforce Analysis is set forth in Table 1A (Workforce Analysis Summary) and Table 1B (Workforce Analysis by Department or Unit). As of November 2006 the Workforce Analysis reported 2927 employees, employed in 88 separate organizational units. Employees on sabbatical leave or in a leave without pay status are not reported.

## **C. Position Group Analysis**

The University has established Position Groups (or PGRP's in the Banner system) and Position Titles which are groupings of jobs, within EEO categories, which have similar areas of responsibility and levels of supervision (See Table 2A). Table 2B sets forth the following information for each job group: EEO Category (ESKL), job group, position title, salary range, total number of employees; total number of female and minority incumbents. The position groups are as defined below:

- University Executive positions occupy a position group that has been defined by the Board of Regents.
- University Administrator positions are divided into position groups that indicate similar levels of decision-making responsibility and similar degrees of complexity and risk.
- Faculty are divided into position groups based on their academic departments. In some cases, these groups may be subdivided by academic discipline using CIP codes.
- Contract and classified professionals positions are grouped according to the similarity of the duties of the position. Within a position group, jobs may also be grouped by Position Title to indicate similarity in skills, qualifications, and level of responsibility. For Research professional positions, the academic discipline may be used as well.
- All Administrative Support jobs are in one position group. Salaries are based on Union contracts.
- All Technical Professional jobs are in one position group. Salaries are based on Union contracts.
- All Skilled Crafts positions are in one position group. Salaries are based on Union contracts.
- All Service positions are in one position group. Salaries are based on Union contracts.
- All postdoctoral positions are in one position group. Salaries are based upon the Salary Floors established for research professionals.
- Research contract professionals are in one position group. Salaries are based upon established salary floors for research professionals.

## **D. Availability**

Because few offices have established career ladders or progression line charts, do not conduct training or apprenticeship programs, and have no transfer policy, the overwhelming majority of positions at MSU are filled from competitive searches. For this reason, the University computes the availability of minorities and women for each position group based on the percentage of minorities or women with requisite skills in the reasonable recruitment area.

### **1. Recruitment Areas**

Recruitment areas have been established by position group and where appropriate by position title:

<u>Position Group</u>	<u>Recruitment Area</u>
University Executives	National
University Administrators	National
Deans	National & Internal
Administrative/Compliance Directors	National
Department Heads/Faculty Directors	National & Internal
Tenurable Faculty (by Academic Department)	National
Nontenurable Faculty	Quad-County (Gallatin, Park, Meagher and Madison Counties)

Research Faculty	National
Managers	National
Leaders	Regional, State, or Local depending on area of expertise required
Communications Officers	State
Human Resources Professionals	State
Finance Officers	State
Information Systems Officers	Regional
Athletics Professionals	National
Health Professionals	Regional
Engineering/Facilities Specialists	Regional
Research Professionals	National
Administrative Support Workers	Quad-County
Technicians	Quad-County
Skilled Crafts Workers	Quad-County
Service Supervisors	Quad-County & Internal
Service Workers	Quad-County

## 2. Position Groups

<u>Position Group</u>	<u>Source of Availability Statistics</u>
President	2000 Census EEO File 2000 Bureau of Labor Statistics
Vice Presidents/Executives	2000 Census
Deans	2000 Census
Administrative/Compliance Directors	2000 Census
Faculty Managers	2000 Census
Tenurable Faculty (by Academic Department)	Recent Summary Report
Adjunct Faculty	2000 Census
Research Faculty	Recent Summary Report Professional Women & Minorities
Managers	2000 Census Professional Women & Minorities
Leaders	2000 Census
Communications Officers	2000 Census
Human Resources Specialists	2000 Census
Finance Officers	2000 Census
Information Systems Officers	2000 Census Professional Women & Minorities
Athletics Specialists	2000 Census
Health Professionals	2000 Census Professional Women & Minorities
Engineering/Facilities Specialists	2000 Census Professional Women & Minorities
Research Professionals	2000 Census
Administrative Support Workers	2000 Montana Census
Technicians	2000 Montana Census

Skilled Crafts Workers  
Service Workers

2000 Montana Census  
2000 Montana Census

### **3. Availability Analysis**

The availability analysis by job group is set forth in Table 3. The percentage of minorities and women among those having requisite skills in the reasonable recruitment area is presented in percentages of female, minority and detailed ethnic groups. In mapping racial/ethnic categories from the 2000 census to our HR data codes required some decision rules. All American Indians, bi-racial or not, are coded as American Indians. Remaining workers who claim Black as one or only race are coded as Black. Remaining Asians and Other Pacific Islanders are coded as Asian. Other biracial remained an independent category, though MSU has no equivalent category.

### **4. Utilization Analyses**

Underutilization occurs when there are fewer women and minorities in a particular job group than would reasonably be expected by their availability in the relevant labor market. For purposes of the AA Plan, a unit or job group is underutilized if there is an incumbency of less than 80% of females or minorities, respectively, compared against the labor market. This is commonly referred to as the 80% rule. As Table 4A and 4B indicate, two job groups are deficient in the 80% rule being applied to incumbent women – those being University Executive and Crafts. The minority incumbents count shows a deficiency in all job groups with the exception of coaches, clerical/administrative and crafts.

### **5. Availability and Utilization Analyses, Faculty Only**

Once again, computations were done in the same manner as the previous reports, using the 80% rule. The analysis is sorted by academic colleges, departments, total employed, total female faculty, the availability of females in the field and whether the 80% rule applied or not. The same information is presented for minorities. The percent of deficiency clearly indicates the results of the analysis. Note: fields of study are roughly grouped according to college where most of the faculty have their primary appointments. Because MSU has so many interdisciplinary programs, some faculty are grouped outside their college with others in a similar field. Some disciplines do not have comparators in the Survey of Earned Doctorates, and others are not identified by discipline in our employee database.

## **E. Concerns and Corrective Action**

*NOTE: At this writing, the economic conditions have resulted in an increased level of applicants, particularly in the staff positions at MSU. As recently as a few months ago, unemployment was at such a low level that recruiting qualified candidates was next to impossible.*

### **1. Salaries**

Salaries at Montana State University are generally below those of peer institutions, particularly for faculty, administrative and professional positions. Entry level salaries are gradually approaching those of the labor market from which recruitment is done. Applicant pools are affected, however, by the ability of the University to compete particularly with local bio-tech and technology-related businesses. This is especially apparent in the IT field. To address this issue, market adjustments are considered, especially at the recruitment stage, as well as retention adjustments after hire. Salary increases are allowed within the context of funding provided by the Montana State Legislature; funds are distributed to the appropriate administrator and a percentage is held by the President for special merit, market or equity increases.

Faculty salary issues are addressed with the cooperative efforts of the VP for Academic Affairs/Provost, and the Salary Review Committee - all within the context of funding provided by the Montana State Legislature. Funds are distributed to Deans with a percentage set aside by the Office of Provost for special equity, merit or market increases. These increases are granted on a case by case basis from requests submitted by Deans.

Staff wages are governed by the Montana University System Staff Compensation Plan, or appropriate collective bargaining agreements (of which there are 11 on the MSU campus). In the recent past, because of extremely low unemployment in our area, MSU worked closely with MUS managers to make an exception for entry level pay for Custodians in order for MSU to compete with the local labor market. To assist in recruiting for part time, short term employees in some position categories. MSU partners with the Pre Release Center in order to make hires. For full time positions, staff recruitment announcements list the approved entry level salary, but many times exercise the MUS approved procedure of offering a more competitive entry level rate if an applicant demonstrates exceptional qualifications.

## 2. **Attracting Minority Candidates**

Procedures for conducting recruitment of faculty and professional employees call for the HR/AA representative to meet with each search committee. In this orientation, committees are informed of MSU's commitment to increase the diversity of our workforce. Discussion is held regarding any targeted recruitment that would assist the committee in reaching protected applicants. The search process is monitored and at the finalist stage, any identified protected applicants are guaranteed an interview.

Recognizing the limited availability of women and minorities in Montana to fill staff positions in the crafts and technical fields, recruitment includes close contact with and coordination of efforts with the appropriate union.

Successful recruitment of qualified minority candidates has occurred. However, candidates often express concerns regarding a move to Bozeman, given it's predominantly white population, it's lack of diversity, and the geographical remoteness from communities of support (such as religious groups, gay and lesbian activities or tribal reservations).

## **V. Equal Opportunity and Affirmative Action Policy**

### **A. Policies**

The Non-Discrimination Policies and Procedures (NDPP) is the document that codifies the University's commitment to equal opportunity and affirmative action. These policies have been revised numerous times since they were first written in 1976 in order to reflect changes in state and federal law and Regents policy. The most recent revision is available on the University's home page at: [http://www2.montana.edu/policy/affirmative\\_action/aa200.html#sec200\\_00](http://www2.montana.edu/policy/affirmative_action/aa200.html#sec200_00)

In 1990, the Board of Regents approved the following statement:

*The Board of Regents recognizes the desirability for campus environments to promote multi-cultural diversity and for the participation and achievement of American Indians and other minority students to be, at a minimum, equal to their representation in the state's population.*

Also in 1990, the Faculty Council approved the inclusion of discrimination on the basis of sexual orientation in the University's Equal Opportunity/Affirmative Action Policy statement.

## **1. Non Discrimination Policy**

It has been and will continue to be the policy of Montana State University to be an equal opportunity employer. Montana State University's Non-Discrimination policy was revised and signed by President Gamble in July 2006.

This section of the Affirmative Action Plan describes the University's activities to ensure compliance with applicable state and federal laws pertaining to equal opportunity and affirmative action. In keeping with this plan, the University will:

- Continue to recruit, hire, train, and promote into all job levels and positions the most qualified persons without regard to race, color, religion, sex, or national origin.
- Administer all personnel matters, including but not limited to compensation, benefits, transfers, layoffs, training, education, tuition and fee payment assistance, and social and recreational programs, in accordance with University policy
- Base all employment decisions on nondiscriminatory standards and criteria.
- Notify students, faculty, staff, and the general public of our policies prohibiting discrimination.

## **2. Sexual Harassment and Sexual intimidation**

The University maintains, distributes and implements policies, including grievance policies and policies prohibiting discrimination, sexual harassment and sexual intimidation. These policies state that:

- No distinction based upon sex will be made in any condition of employment, including wages, assignments, hours, employment opportunities, and fringe benefits.
- No employment distinction will be made between married and unmarried persons on the basis of sex.
- Family status will not be a consideration for employment or promotion for women, unless it is also a consideration for men.
- Policies relating to maternity leave and benefits will follow federal, state and BOR guidelines and regulations.
- Policies relating to nepotism will follow state and federal law, guidelines and regulations.

## **3. Revision of University Policies**

The University has formalized the process whereby policies are developed, reviewed, approved, and posted. See [http://www2.montana.edu/policy/operating\\_policy/](http://www2.montana.edu/policy/operating_policy/)

All policies are posted on the University's web page at: <http://www2.montana.edu/policy/>

An easy to use and up-to-date Faculty Handbook is essential to ensure that protected class faculty are not victims of unintentional discrimination because they lack accurate information about their rights and responsibilities. Because the Faculty Handbook had become difficult to use, in 1996, the HR/AA Director, the University Legal Counsel, and the Faculty Affairs committee rewrote, updated and reformatted the Handbook. The University Legal Counsel maintains the official version of the Handbook on the University's home page ([http://www2.montana.edu/policy/faculty\\_handbook/](http://www2.montana.edu/policy/faculty_handbook/)) where it is easily updated and readily available to the University community.

## **B. Grievances and Complaints**

### **1. Procedures**

The University maintains a variety of grievance procedures for students, residents of the Residence Halls and Graduate and Family Housing, employees, applicants for admission, and participants in University programs and activities. These are available on the Web and from the various offices administering policies as follows:

Tenable faculty bring grievances to the Conciliation and/or Grievance Committee in accordance with Section 1300 of the Faculty Handbook. (See [http://www2.montana.edu/policy/faculty\\_handbook/](http://www2.montana.edu/policy/faculty_handbook/)

Contract professional employees and union exempt classified employees bring grievances to Personnel Board according to Section 800 of the Personnel Policies and Procedures Manual. (See <http://www2.montana.edu/policy/personnel/per800.html#800.00>)

Classified and other employees represented by collective bargaining units bring complaints according to the provisions of the collective bargaining agreement. (See <http://mus.edu/hr/cba/collbarg.asp>)

Temporary and student employees bring complaints to their immediate supervisors according to the following:

- Students bring complaints according to the Student Code of Conduct. (See <http://www.montana.edu/wwwfachb/policy/acguide.html>.)
- Students living in the residence halls bring complaints according to the terms of their contract. (See <http://www.montana.edu/reslife/>)

### **2. Complaints of Discrimination**

Persons alleging illegal discrimination including sexual harassment and harassment based on race, color, religion, sexual preference, age, marital status, disability or veteran's status may file informal or formal complaints directly with the Human Resources/Affirmative Action Office or assert such a complaint within a grievance brought before another body. In the latter case, the grievance proceedings are suspended until the HR/AA office issues a report of findings concerning the alleged discrimination to the grievance committee. The approved discrimination grievance procedures are available on HR/AA's home page at: <http://www.montana.edu/wwwaffrm/home.htm>. They are also available in hard copy from the HR/Affirmative Action Office during normal business hours.

### **3. Assurances**

To ensure non-discrimination in the administration of the terms and conditions of employment, the University guarantees that:

- Criteria and standards for the promotion in rank of tenurable faculty will be free of discrimination.
- Decisions regarding upgrades, reclassification, promotions, transfers, and salary increases for classified employees will be free of discrimination and will be based on criteria that are the same for all employment groups. Personnel specialists in the Human Resources office monitor upgrades, promotions in grade, reclassifications, transfers, and salary increases to ensure that the standards are free of discrimination and uniformly applied.

- The HR/AA Director will use her position as ex officio member of both Faculty Affairs and Personnel Board to ensure that any changes to grievance procedures are fair and not based on discriminatory criteria or procedures.

### **C. Dissemination of Policy**

Because the University publishes so many different documents targeted at such a wide variety of audiences and users, the HR/AA office has approved the following variations of the policy notifications that may be used for different audiences.

The complete Non-Discrimination/Affirmative Action Policy, with all implementing investigatory and due process procedures, is posted on the web at: [http://www2.montana.edu/policy/affirmative\\_action/](http://www2.montana.edu/policy/affirmative_action/)

Abridged policies, containing the policy statement without the implementing procedures, are included in the Class Schedule booklets and in the print and on-line editions of the University catalog (Bulletin), the Summer Bulletin, any graduate catalogs, and any publications which describe academic programs in detail.

Tag line notices have been approved as follows:

- In brochures where space is not limited, use:

*Montana State University is an equal opportunity/affirmative action employer and educational institution.*

- On registration forms for conferences and meetings:

*To request disability accommodation or inform us of special dietary or other needs, please contact ... (name and contact information, especially the mail address, of the contact person for the event).*

Posters, flyers, and other announcements of such activities as athletic, social, cultural, political or extracurricular activities, including but not limited to football and basketball games, Homecoming, Native American Awareness Week, and speakers, are excluded from this policy.

#### **1. Internal Distribution**

Montana State University will make its Equal Opportunity/Affirmative Action policy (Policy) known internally by:

- Including the URL for the Non-Discrimination/Affirmative Action Policy and Procedures in the Faculty Handbook, the Recruitment and Hiring Manual, and the Personnel Policies and Procedures Manual, and in the President's letter to new hires.
- Displaying approved "Equal Opportunity Is The Law" posters at appropriate locations where employees have the opportunity to view them. These include but are not limited to the:
  - Hallway to the HR/AA office in Hamilton Hall,
  - Entrance to the Human Resources office complex in Montana Hall, and
  - Official employee notice bulletin boards in the Stand Union Building, Residence Life and University Food Services, Facilities Services, and Extension Service,

- Displaying approved USDA posters “And Justice For All...” in the offices of the Extension Service in Culbertson Hall and in all County Extension offices throughout the state.
- Including non-discrimination clauses in collective bargaining agreements and reviewing all contractual provisions to ensure they are non-discriminatory.
- Picturing both minority and non-minority men and women and individuals with disabilities in publications in which employees and students are featured.
- Ensuring that all announcements of position vacancies are posted on the University’s employment Web page include the following statement:

**ADA/EO/AA/Veteran's Preference.** *In compliance with the Montana Veteran's Employment Preference Act, MSU provides preference in employment to veterans, disabled veterans, and certain eligible relatives of veterans. MSU makes accommodation for any known disability that may interfere with an applicant's ability to compete in the hiring process or an employee's ability to perform the duties of the job. To claim veteran's preference or request accommodation, contact Human Resources/Affirmative Action, 101 Hamilton Hall, MSU, Bozeman MT 59717-2430; 406-994-2042.*

- Conducting search committee briefings on equal opportunity/affirmative action requirements for hiring authorities, search committee chairs and members and search secretaries.

## 2. External Distribution

Montana State University will notify constituencies external to the University of its Non-Discrimination Policy externally by:

- Including the following language in all vacancy announcements for administrative, faculty, professional, and Extension positions posted on the University’s Jobs web site:

**ADA/EO/AA/Veteran's Preference.** In compliance with the Montana Veteran's Employment Preference Act, MSU provides preference in employment to veterans, disabled veterans, and certain eligible relatives of veterans. MSU makes accommodation for any known disability that may interfere with an applicant's ability to compete in the hiring process or an employee's ability to perform the duties of the job. To claim veteran's preference or request accommodation, contact Human Resources/Affirmative Action, 101 Hamilton Hall, MSU, Bozeman MT 59717-2430; 406-994-2042.

- Including, depending on cost and space available, the following language in all advertisements of open positions that appear in print newspapers, journals, computer bulletin boards or other paid recruitment sources:

**ADA/EO/AA/Veterans Preference.** Claim veteran's preference or request accommodation from HR/AA, 101 Hamilton Hall, MSU, Bozeman, MT 59717. [406-994-2042].

Or

**ADA/EO/AA/Veterans Preference.**

- Including an equal opportunity/affirmative action clause in all purchase orders, leases and contracts covered by Executive Orders 11246 and 11375, as amended and their implementing regulations. The statement shall read:

**Nondiscrimination:** In accordance with federal and state laws, the bidder/vendor agrees not to discriminate against any client, employee, or applicant for employment or for services because of race, color, national origin, sex, marital status, age, creed, religion, or political belief, mental or physical handicap, or status as a Vietnam era or disabled veteran. It is further understood that any vendor who is in violation of this cause may be barred forthwith from receiving awards of any purchase from Montana State University and/or the State of Montana.

- Including the Nondiscrimination Policy statement, without investigatory due process procedures, in the University Bulletins, Class Schedules booklets, and other publications describing academic programs in detail.
- Informing prospective applicants for professional and faculty positions of the Policy and inviting them to voluntarily self-identify their citizenship, race, sex, status as a person with a disability, a Vietnam era or disabled veteran through an e-mail directing each applicant to the appropriate on-line forms. The notification invites individuals with disabilities to make known to the HR/AA Office any need for accommodation in the selection or employment processes.
- Showing minority and non-minority women and men, as well as persons with disabilities, in publications in which students and employees are pictured
- Including the following tag line on flyers and posters announcing programs, events, and activities and on registration forms for conferences and meetings:

*To request disability accommodation or inform us of special needs, please contact ... (name and contact information, especially the mail address, of the contact person for the event).*

If food will be served at the conference or meeting, the registration form should say:

*To request disability accommodation or inform us of special dietary or other needs, please contact ... (name and contact information, especially the mail address, of the contact person for the event)*

### **3. Notification of compliance**

Notification of the University's compliance with these laws is made in the University's Nondiscrimination Policies and Procedures and referenced in the abridged policies included in the University Bulletin, Class Schedule booklets, and other sources. Notice of these policies is made to applicants through inclusion in the EEO solicitation provided applicants, to students through annual posting of an electronic message, and to staff through annual posting in the Staff Bulletin.

#### **a) Contract and Bids**

The standard terms and conditions which bind bidders and contractors will continue to include the following statement which is based on state law and administrative rules:

NON-DISCRIMINATION: The State of Montana does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Individuals who need aids, alternative document formats, or services for effective communications or other disability-related accommodations in the programs and services offered, are invited to make their needs and preferences known to this office. Vendors should provide as much advance notice as possible.

The contractor must comply with the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. All hiring for goods and services necessary as a result of this contract must be on the basis of merit and qualifications; there may not be discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the people performing under a subsequent contract.

The Purchasing Office is responsible for compliance with this notification requirement.

**b) Contracts and Grants**

All contracts administered through the Office of Sponsored Programs contain the following language:

*SECTION X–NON-DISCRIMINATION; SUBCONTRACTOR agrees that no part of this subcontract will be performed in a manner which illegally discriminates against any person on the basis of race, color, religion, creed, political ideas, national origin, sex, age, marital status, physical and/or mental handicap.*

**c) On-Campus Recruiters**

All agreements with off-campus employers who engage in on-campus recruitment shall contain the following statement:

*As a recruiter at Montana State University, your organization hereby affirms that it is an equal opportunity employer and does not discriminate in hiring based on race, color, national origin, sex, sexual orientation, marital status, age, religion, creed or political belief, mental or physical disability, or status as a Vietnam era or disabled veteran in accordance with applicable state and federal law. All hiring must be on the basis of merit and qualifications of the applicants.*

The Career Services Office is responsible for monitoring compliance with this notification requirement.

**D. Responsibility for Policy Implementation**

Dr. Geoffrey Gamble, President of Montana State University, has the overall responsibility for implementing the University's equal opportunity policy and affirmative action program.

Vice Presidents, Deans, Directors and Department Heads, as well as Superintendents of the Agricultural Research Centers and Chairs of the County Extension Offices, share responsibility for implementing the University's policy in their colleges, departments, and units.

The President has assigned responsibility for the overall coordination and monitoring of MSU-Bozeman's equal opportunity and affirmative action efforts to the Human Resources/Affirmative Action Office.

Human Resources is responsible for implementing and monitoring the recruitment and hiring processes for employees covered by the state classification system.

The HR/Extension Personnel Office is responsible for overseeing the recruitment and hiring processes of the Extension Service.

Human Resources/Affirmative Action is responsible for implementing the recruitment and hiring processes for employees in the faculty, administrator, contract professional and research professional employment categories.

## **1. President**

The responsibility for overall implementation of the University's affirmative action program rests with the President. The responsibilities of the President include, but are not limited to, the following:

- Reaffirming a personal, as well as an institutional, commitment to equal opportunity and affirmative action by reviewing and signing the Affirmative Action Plan and all revisions.
- Reaffirming regularly, through formal presentation or communication, the University's commitment to equal opportunity and affirmative action.
- Designating the Human Resources/Affirmative Action Director as the person officially responsible for developing the University's affirmative action programs.
- Providing appropriate senior management support and staffing to the HR/AA Director to execute assigned duties.
- Meeting routinely with the HR/AA Director.
- Making Affirmative Action hires based on the recommendation of the HR/AA director and hiring authority.

## **2. Human Resources/Affirmative Action Director**

The President has delegated to the Human Resources/ Affirmative Action Director the responsibility for developing and monitoring the University's affirmative action/equal opportunity programs. The Director reports directly to the President.

The HR/AA Director:

- Compiles and interprets policies from current federal, state, and University regulations as a basis for implementing the affirmative action program.
- Revises and maintains the Affirmative Action Plan, updated as necessary and available for review. The Plan is available for review during working hours at the HR/AA Office, Suite 7 Hamilton, MSU, Bozeman, MT. The Plan and other University policies and procedures maintained by the HR/AA Office are available in alternate formats upon request.
- Monitors the Affirmative Action program, which includes, but is not be limited to, the following activities:
  - Designing and implementing review and reporting systems to monitor the effectiveness of the program.
  - Reviewing all personnel recruitment and hiring policies and practices with particular attention to applicant flow rates to identify any areas of possible adverse impact.

- Monitoring all other aspects of personnel policies and practices to ensure nondiscrimination.
  - Ensuring a "good faith effort" in the achievement of the University's affirmative action goals.
  - Monitoring elections and appointments to councils and committees to ensure fair and equal representation of women and minorities.
  - Communicates equal opportunity and affirmative action requirements and responsibilities to relevant personnel.
  - Ensuring that the Equal Opportunity/Affirmative Action policy statement is appropriately distributed.
  - Working with the Human Resources office and the Office of Extension Personnel to ensure compliance with recruitment, selection, hiring, promotion, transfer, and termination policies and procedures.
- Provides advice, counsel and technical assistance to department heads and directors upon request or when areas of potential noncompliance are identified.
  - Ensures that complaint procedures are strictly adhered to without retaliation or reprisals against any person filing a formal or informal discrimination complaint or giving testimony or aiding in the resolution of complaints.
  - Ensures that career counseling and professional development opportunities through training seminars and workshops are equally available to all employees.
  - Develops and implements programs designed to encourage human resource development for protected class members
  - Serves on appropriate University committees

To ensure inclusion of women in the decision-making processes of the University, the 1976 Master Plan requires that women comprise 25% of Faculty Senate, administrative, search and screening committees. The Affirmative Action Office is responsible for compliance with this requirement and approves the membership of all search and screening committees.

The HR/AA Director serves on the following, standing campus boards and committees:

- President's Executive Council
  - Nominating Committee
  - Indian Program Directors
  - Council of Elders
  - Faculty Affairs Committee
  - Personnel Board
  - Faculty Salary Review Committee
  - Athletic Gender Equity Review Committee
- Reviews and assures compliance with mandatory requirements as outlined by the Office of Federal Contract Compliance Programs to include the following actions:

## **Veterans Readjustment Act and Rehabilitation Act**

- Maintaining an Affirmative Action Plan.
- Including notices stating the location where the Plan is available for inspection in the Non-Discrimination/Affirmative Action policy.
- Including the Affirmative Action clause in each of its covered federal contracts or subcontract
- Providing specific invitations to persons with disabilities or individuals who are Vietnam era veterans and/or disabled veterans and wish to benefit from affirmative action to identify themselves. The invitation reads in relevant part:

*Federal statutes also require us to take affirmative action to employ and advance in employment qualified women and minorities who are under-represented in their employment job groups, persons with disabilities, qualified disabled veterans, and veterans of the Vietnam era. If you are a person with a disability, a disabled veteran or a veteran of the Vietnam era and would like to be considered under the University's affirmative action program, please tell us by contacting the Human Resources/Affirmative Action office at the address on the reverse.*

*If you are a Vietnam era veteran or disabled veteran, the information you provide will be used only in ways that are consistent with the Vietnam Era Veterans Readjustment Act of 1974, as amended. If you are a person with a disability and would like to request accommodation in order to perform the essential functions of your job, please notify your immediate supervisor who will discuss your need for accommodation with you and, if appropriate, provide you with an Accommodation Request and Evaluation Form. This form is also available from the Human Resources office and the Human Resources/Affirmative Action office (addresses on the reverse). The Accommodation Request and Evaluation Form asks you to inform us about any accommodations, including providing special equipment, making changes in the physical layout of the work area, eliminating marginal functions, or other accommodations you believe would enable you to perform the essential functions of your job. The information you provide about your disability will be kept confidential and used only in ways that are consistent with Section 503 of the Rehabilitation Act and the Americans with Disabilities Act, except that (1) supervisors and managers may be informed regarding restrictions on your work or duties and necessary accommodations, (2) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (3) government officials engaged in enforcing the Americans with Disabilities Act or laws administered by the Office of Federal Contract Compliance Programs may be informed.*

- Inviting applicants to identify themselves on the EEO forms which are distributed to all applicants.
- Inviting new employees to identify themselves on the Employee Equal Opportunity Information Form.
- Inviting all employees to update their information, using the new ethnicity and race definitions and protocols, on the Employee Data Update form.

- Ensuring that all vacancy announcements and advertisements as well as notices of meetings and registration forms contain the applicable notice that MSU complies with the Americans with Disabilities Act.
- Reviewing all physical and mental job qualifications to ensure that they are bona fide occupational requirements and do not inadvertently discriminate against protected class members. Hiring authorities are asked to develop position descriptions or role description form when positions are approved for recruitment. All position descriptions and vacancy announcements are reviewed prior to advertisement or positing.
- Ensuring that reasonable accommodation is made to the known disabilities of qualified students, applicants and employees with disabilities on a case by case basis.
- Ensuring that programs and services of the institution are accessible to persons with disabilities.
- Reviewing, on an ongoing basis, personnel and employment practices to identify possible discrimination and to ensure that accommodation and/or affirmative action are taken as required.
- Ensuring that employment openings are available electronically to the local Job Service.

#### **Montana Veterans Employment Preference Act**

- Ensuring that print advertisements contain the appropriate notice that the University provides preference in employment to eligible veterans and certain eligible relatives of veterans. Specifically, at a minimum, each advertisement shall include the following:

*“ADA/EO/AA/Veteran’s Preference Employer.”*

- Ensuring that vacancy announcements inform applicants how to apply for Montana veteran’s preference by requiring the following language be included:

*ADA/EO/AA/VETERAN'S PREFERENCE: In compliance with the Montana Veteran's Employment Preference Act, MSU provides preference in employment to veterans, disabled veterans, and certain eligible relatives of veterans. MSU makes accommodation for any known disability that may interfere with an applicant's ability to compete in the hiring process or an employee's ability to perform the duties of the job. To claim veteran's preference or request accommodation, contact Human Resources/Affirmative Action, 101 Hamilton Hall, MSU, Bozeman MT 59717-2430; 406-994-2042 (TDD: 406-994-4191).*

- Making the Montana Veteran’s Preference Claim Form available upon request.
- Informing search committee chairs and secretaries of any individuals claiming preference.
- Monitoring search committees to ensure that the preference is properly and consistently applied.

## **Americans with Disabilities Act**

- This Affirmative Action Plan, including sections pertaining to affirmative action for individuals with disabilities, is available for inspection in the HR/AA Office during standard business hours or by appointment.
- The Self-Evaluation and Transition Plan conducted for compliance with Sections 503/504 of the Rehabilitation Act and the Americans with Disabilities Act is available in the HR/AA Office.
- The HR/AA Office and the Human Resources offices monitor the recruitment process to ensure non-discrimination and to assist hiring authorities in responding to requests for accommodation.
- Complete position descriptions or role description form will be written for each new administrative, professional and classified position approved for recruitment and/or hiring. These descriptions will ask hiring authorities to identify the essential functions of the position. Faculty and postdoctoral positions will be revised as necessary to convey unusual essential functions.
- HR/AA, Human Resources, and the Office of Disability, Reentry, and Veterans Services will continue to identify and catalog any differences between the requirements of the ADA and current employment or academic practices. If areas of non-compliance are identified, new policies will be developed and/or new practices designed, as appropriate.
- Accommodation to individuals with disabilities will be made on a case by case basis.

### **3. Human Resources and Extension Personnel Office**

Human Resources is responsible for recruitment and hiring of classified staff and for data base, payroll and benefits management for all employees. The HR/Extension Personnel Office is responsible for recruitment and hiring, reappointment, and monitoring employment practices of the Extension Service. Both offices are charged with ensuring compliance with the University's Non-Discrimination Policies and Procedures, the applicable sections of the Recruitment and Hiring Manual, this Plan, and other policies, procedures and documents that protect employees, students, and the public from discrimination.

### **4. Vice Presidents, Deans, Directors, and Faculty Managers (including Department Heads)**

The Provost, the Vice Presidents, the deans, directors and department heads are the member of the administration who are most directly responsible for the hiring, supervision, tenure, promotion and general welfare of employees. To ensure compliance with this Plan and promote equity and diversity, they should implement equal opportunity, non-discrimination, and affirmative action policies, procedures, and guidelines within his/her area of responsibility and demonstrate "good faith efforts" in the achievement of Affirmative Action goals. Leadership should result in efforts to prevent sexual harassment of employees and students by taking action as necessary, including informing supervisory employees of their responsibilities and appraising employees and students of their rights.

## **5. Office of Sponsored Programs**

All contracts and purchase orders will continue to include the abbreviated Affirmative Action/Equal Opportunity statement.

On-going implementation of this activity rests with the Office of Sponsored Programs. However, the HR/AA Director is responsible for completing the necessary forms indicating compliance with all provisions of Executive Order No. 11246 and 11375, as amended.

### **E. Responsibility for Auditing and Reporting**

The Human Resources/Affirmative Action Office monitors all phases of employment practices relative to executive, administrative, faculty, and contract professional to ensure that policies and procedures comply with relevant federal and state regulations and to detect and correct possible adverse impact on protected class members.

The University was audited by the Office of Federal Contract Compliance Programs (OFCCP) in 1987 and required to correct only minor deficiencies.

In 1989, the Extension Service of Montana State University, which had been an independent entity responsible for developing and monitoring its own affirmative action plan, was fully integrated into the University and included in this Plan. This meant that many Extension Specialists were assigned to academic departments, and the locus of tenure of the individual faculty member was shifted to the appropriate academic departments. Faculty in County Agent/Extension Agent positions were formed into the equivalent of an independent college-level entity. In 1992, the position of Associate Provost for Extension and Outreach was created. Agents were integrated into the Faculty Salary Administration Plan in 1998. Reviews of Extension's compliance with Department of Agriculture civil rights guidelines were conducted in 1994 and 2001.

Because the University is a recipient of Carl Perkins funds, compliance with the Guidelines for Eliminating Discrimination and Denial of Service on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs is reviewed by the Office of the Commissioner of Higher Education (OCHE) on a random basis. The most recent review was concluded in April 1998.

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