

**Affirmative Action Program for
Minorities and Women**

Montana State University Bozeman

Bozeman, MT

**Affirmative Action Plan
for
Minorities and Women**

**January 1, 2020 through December 31, 2020
Plan Year**

Montana State University Bozeman

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AFFIRMATIVE ACTION PLAN FOR MINORITIES AND WOMEN

**January 1, 2020 through December 31, 2020
PLAN YEAR**

AAP Approved by: _____
Waded Cruzado
President

AAP Prepared and Approved by: _____
Jeanette Grey Gilbert
Chief Human Resources Officer

**Montana State University Bozeman
Bozeman, MT**

**AFFIRMATIVE ACTION PLAN
FOR
MINORITIES AND WOMEN**

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Introduction

Montana State University Bozeman sets forth this Affirmative Action Plan (AAP) for the period of January 1, 2020 through December 31, 2020, reaffirming 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 Bozeman 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.

MSU Bozeman Profile

Mission Statement

MSU Bozeman, the state's land-grant institution, educates students, creates knowledge and art, and serves communities by integrating learning, discovery and engagement.

Vision

MSU Bozeman is as remarkable as its setting. Created as a land-grant institution, it is a welcoming, adventurous community of students, faculty and staff distinguished by its commitment to address the world's greatest challenges. The university energizes individuals to discover and pursue their aspirations. It inspires people to engage with the university to improve the human prospect through excellence in education, research, creativity and civic responsibility.

Values

Respect - Value respect for diversity in all its dimensions. Respect and civility foster collaboration and open communication, which in turn create productive local, regional, and global communities.

Integrity - Value honesty and professionalism in all work. Each individual is personally accountable for his/her work and behavior.

Student Success - Value all students and believe in creating an environment in which they can be successful and reach their full potential.

Excellence - Belief in challenging the MSU community in the pursuit of the highest quality that can be attained.

Please visit www.montana.edu/strategicplan/ for more information regarding MSU Bozeman and the MSU Strategic Plan.

History and Background of MSU Bozeman and Its Commitment to Equal Opportunity and Affirmative Action

MSU Bozeman 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, sets the role and scope of each campus in the system, determines statewide educational needs, and provides 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 MSU Bozeman. The campuses of Montana State

University are MSU Bozeman (Flagship Campus in Bozeman), MSU Bozeman Billings, MSU Bozeman-Northern, and Great Falls College MSU. 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 MSU Bozeman, Gallatin College and the Extension Service and the Montana Agricultural Experiment Station agencies.

Founded in 1893 as Montana State College, Montana State University Bozeman has become a comprehensive post-secondary educational institution with an enrollment of over 16,000 students and a total workforce of approximately 3,971, including tenurable and non-tenurable academic faculty, University executives and administrators, contract professional, classified FLSA exempt and non-exempt employees working in MSU Extension offices, Agricultural Research Centers, and Extended Nursing campuses across the state. MSU Bozeman offers a broad range of professional certificates and associate, baccalaureate and graduate degrees.

Human Rights Commitments of the State of Montana

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.*

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.)

Non-Discrimination Policies of the Board of Regents and MSU Bozeman

The Non-Discrimination Policies and Discrimination Grievance Procedures 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:

<https://www.montana.edu/policy/discrimination/index.html>

History of Affirmative Action at the University

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 university prepared a Master Plan which was approved by the court which resulted in:

1. Improvement of the Affirmative Action Plan,
2. Inclusion of females in the decision-making apparatus of the University,
3. Correction of promotion and tenure criteria and policy to eliminate built-in sex discrimination, and
4. Correction of equal pay violations and payment of damages for past pay and promotion inequities.

All reports or any concerns about conduct that may be discriminatory, may violate the University's policies against discrimination and harassment, and/or conduct that may be retaliatory should be reported to the Office of Institutional Equity. The University's Title IX and 504 Coordinator is:

Emily S. Stark, J.D.

Interim Director and Title IX Coordinator

Office of Institutional Equity (OIE)

MSU Bozeman

PO Box 172430

Hamilton Hall Room 123

Bozeman, MT 59717-2430

(406) 994-2042

www.montana.edu/equity

Pronouns: she/her/hers

Reaffirming Commitment to Equal Employment Opportunity

MSU is committed to equal employment opportunity for all employees and applicants in all terms and conditions of employment and will actively carry out all Federal and state regulations and executive orders.

Waded Cruzado, President of MSU Bozeman, has designated the Chief Human Resource Officer (CHRO) as the Equal Employment Opportunity Administrator (EEO Administrator). The CHRO oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. The EEO Administrator also assure that the university periodically examines its selection process to further the principles of equal employment opportunity.

MSU Bozeman is committed to equality of opportunity in all aspects of employment, including the recruitment, selection, training, compensation, benefits, discipline, promotion, transfer, layoff and termination, and that such activities are free of illegal discrimination based upon race, color, national origin (ancestry), sex, sexual preference/orientation, gender identity, gender expression, transgender, marital or parental status, age, creed, religion or political beliefs, mental or physical disability, genetic information or status as a veteran. Further, in accordance with Section 86.9 of the regulations implementing Title IX of the Education Amendments of 1972 (“Title IX”), it is the policy of MSU Bozeman not to discriminate on the basis of sex in admission to any education program or activity administered by this institution. This policy extends to employment, admission, and access to programs and activities. Also, in accordance with Titles VI and VII of the Civil Rights Act of 1964 (respectively, “Title VI” and “Title VII”) and other applicable state and local laws, it is the policy of MSU Bozeman not to discriminate on the basis of race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran’s status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation to any education program or activity administered by this institution or in any aspect of employment.

Internal Dissemination of EEO Policy

41 C.F.R. § 60-1.42

MSU Bozeman posts equal employment opportunity notices that comply with 41 C.F.R. § 60-1.42(a) in conspicuous places (including websites) available to employees, applicants for employment, and representatives of each labor union which represents MSU Bozeman employees.

External Dissemination of EEO Policy

41 C.F.R. § 60-1.41; 41 C.F.R. § 60-1.5

1. In solicitations or advertisements for employees placed by or on its behalf, MSU Bozeman complies with the following method regarding the dissemination of its equal employment opportunity clause:
 - a. MSU Bozeman states expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, national origin (ancestry), sex, sexual preference/orientation, gender identity,

gender expression, transgender, marital or parental status, age, creed, religion or political beliefs, mental or physical disability, genetic information or status as a veteran. 41 C.F.R. § 1.41(a). When pictures are included in these media, where feasible, efforts will be made to include pictures of individuals of diverse sex, race, and national origin.

2. 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 41 C.F.R. § 60-1.5).

Establishment of Responsibility for Implementation of the Plan

41 C.F.R. § 60-2.17(a)

A. Identification and Responsibilities of EEO Administrator

Overall responsibility for MSU Bozeman's plan rests with the EEO Administrator. The EEO Administrator ensures that the plan complies with all applicable laws, orders and regulations, including but not limited to, Executive Orders 11246, 13496, and their progeny. Specifically, the designated representative's duties include:

1. Developing, maintaining and, where appropriate, modifying MSU Bozeman's 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 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. 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 MSU Bozeman's representative and liaison with any government agencies regarding this plan.
7. Monitoring MSU Bozeman's 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 electronic policies, as appropriate, to ensure compliance information is 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, such as minority organizations and women's organizations.
11. Communicating 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.
12. Auditing training programs, hiring, and promotion patterns.

B. Responsibilities of MSU Bozeman's Leadership, which shall include all levels of management, including, but not limited to: Provost, Vice Presidents, Associate Vice Presidents, Deans, Department Heads and Chairs, Directors and Managers.

MSU Bozeman's leadership share responsibility for 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. Preparing oversight of personnel procedures and decision within area of responsibility to ensure qualified individuals are treated in a nondiscriminatory manner in hiring, promotion, transfers, and termination actions.
3. Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee and his or her duties.
4. Reviewing position descriptions of the jobs in the manager's area or department to see that they adequately reflect the job to be performed.
5. Assisting subordinates and upper management in the prevention of harassment.

Identification of Areas for Discussion

41 C.F.R. § 60-2.17(b)

MSU Bozeman will conduct periodic reviews of mission critical workforce factors in a number of ways, including performing an in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunity exist. These analyses include:

1. The workforce by organizational unit and job group of minority or female utilization and distribution;
2. Personnel activity to determine whether there are selection disparities;
3. Compensation systems to determine if there are sex-, race-, or ethnicity-based disparities;
4. Selection, recruitment, referral, and other personnel procedures to determine whether they result in employment or placement disparities of minorities or women; and,
5. Any other areas that might impact the success of the affirmative action program. 41 C.F.R. § 2.17 (b)(1)-(5), including, for example, MSU Bozeman's review of:
 - a. The workforce composition by race and sex to compare it to the availability of these groups;
 - b. MSU Bozeman's applicant flow compared to the availability for the protected groups;
 - c. A comparison of hires to applicants pertaining to minorities and women;
 - d. Compensation system(s) to determine whether there are sex-, race-, or ethnicity-based disparities;
 - e. Selection forms, such as applications for employment, to ensure they comply with federal and state employment laws;
 - f. Processes to ensure there are no artificially-created barriers or restrictive seniority provisions; and,
 - g. Training opportunities to ensure they are available to minorities and women. Identification of problem areas are discussed in next section titled Narrative Discussion of goals.

Narrative Discussion of Goals

The Montana State University Bozeman plan has 4065 employees, including 313 minorities and 2278 females. The following goals exist for minorities and/or women:

- 100 - Executive / Administrative / Managerial - This group consists of 67 employees, of whom 4 are minorities and 24 are females. There is a goal of 21% for minorities and a goal of 55% for females.
- 200 - Instructors - This group consists of 743 employees, of whom 36 are minorities and 438 are females. There is a goal of 12% for minorities, but there is no need to set a placement goal at this time for females.
- 220 - Professors - This group consists of 198 employees, of whom 11 are minorities and 49 are females. There is a goal of 11% for minorities and a goal of 47% for females.
- 230 - Associate Professors - This group consists of 178 employees, of whom 19 are minorities and 84 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 58% for females.
- 240 - Assistant Professors - This group consists of 161 employees, of whom 13 are minorities and 95 are females. There is a goal of 28% for minorities, but there is no need to set a placement goal at this time for females.
- 250 - All Other Faculty - This group consists of 233 employees, of whom 17 are minorities and 150 are females. There is a goal of 29% for minorities, but there is no need to set a placement goal at this time for females.
- 300 - Directors - This group consists of 160 employees, of whom 9 are minorities and 77 are females. There is a goal of 18% for minorities, but there is no need to set a placement goal at this time for females.
- 310 - Program Managers - This group consists of 183 employees, of whom 10 are minorities and 113 are females. There is no need to set a placement goal at this time for minorities or females.
- 320 - IT / Engineering Professionals - This group consists of 156 employees, of whom 9 are minorities and 42 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 35% for females.
- 330 - Research Associates / Scientists - This group consists of 311 employees, of whom 37 are minorities and 156 are females. There is a goal of 29% for minorities, but there is no need to set a placement goal at this time for females.
- 340 - Administrative Professionals - This group consists of 243 employees, of whom 18 are minorities and 200 are females. There is no need to set a placement goal at this time for minorities or females.
- 350 - Coaches - This group consists of 39 employees, of whom 5 are minorities and 8 are females. There is a goal of 20% for minorities and a goal of 31% for females.
- 360 - All Other Professionals - This group consists of 397 employees, of whom 35 are minorities and 263 are females. There is a goal of 24% for minorities, but there is no need to set a placement goal at this time for females.

- 400 - Clerical and Secretarial - This group consists of 282 employees, of whom 16 are minorities and 261 are females. There is no need to set a placement goal at this time for minorities or females.
- 500 - Technical and Paraprofessional - This group consists of 214 employees, of whom 17 are minorities and 145 are females. There is a goal of 14% for minorities, but there is no need to set a placement goal at this time for females.
- 600 - Skilled Crafts - This group consists of 50 employees, of whom 1 is a minority and 1 is a female. There is no need to set a placement goal at this time for minorities or females.
- 700 - Service / Maintenance - This group consists of 450 employees, of whom 56 are minorities and 172 are females. There is no need to set a placement goal at this time for minorities or females.

MSU Bozeman will use alternate recruitment sources when necessary to attract more qualified external applicants. In those instances where statistical adverse impact is indicated, MSU Bozeman will take action as outlined in the Action-Oriented Programs Section to monitor and eliminate any problem areas, as well as other similar actions.

Individuals appointed as visiting faculty, post-doctoral research associates, or other non-tenure track positions labeled EEO-6 category 3, are included as part of the workforce summaries, but placement goals are not established for this group. By definition, the positions are of a limited duration.

Placement goals are not set for job groups in the graduate student/student assistant category because student appointments are related solely to academic programs and are not part of the normal hiring procedures.

Development & Execution of Action-Oriented Programs

41 C.F.R. § 60-2.17(c)

MSU Bozeman has programs designed to eliminate any problem areas, should they exist, in accordance with §60-2.17(b), and to help achieve specific affirmative action goals. MSU Bozeman also makes a good-faith effort to remove identified barriers, expand employment opportunities, and produce measurable results. These programs may include the following items:

1. Conducting periodic reviews of job descriptions attempting to ensure they accurately reflect job-related duties and responsibilities.
2. Reviewing job qualifications by department and job title for job-relatedness, and using job performance criteria as positions are recruited for or other personnel activities take place.
3. Making job vacancy announcements including qualifications available to recruiting sources and to all members of management involved in the recruiting, screening, selection, and promotion processes.
4. Making good-faith efforts to select the most qualified candidates. MSU Bozeman will make good faith efforts to remedy any statistically significant underutilization of minorities and women it identifies. Accordingly, MSU Bozeman commits to evaluating the total selection process to ensure that decisions are made in a nondiscriminatory manner through:
 - a. Reviewing the job applications and other pre-employment forms to ensure information requested is job-related;
 - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
 - c. Providing assistance, such as training and guidance on proper interviewing techniques and EEO training, to employees, management, and supervisory staff, including, but not limited to, those who are involved in the recruitment, selection, discipline and other related processes, so that personnel actions remain neutral; and
 - d. Reviewing selection techniques and employment standards.
5. Employing appropriate methods to attempt to improve recruitment and increase the flow of qualified minorities and women applicants in its recruiting process, including a number of the following actions:
 - a. Including the phrase at a minimum, “Equal Opportunity Employer, Veterans/Disabled 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 employment development agencies when job opportunities occur;
 - d. Requesting employment agencies to refer qualified minorities and women.
 - e. Considering 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.
 - f. Participating in job fairs, career days, youth-motivation programs and other programs that foster exposure for qualified minorities and women whenever feasible and appropriate.
 - g. Encouraging minorities and women to participate in University sponsored activities and programs.
6. MSU Bozeman reviews promotion criteria and procedures so that job qualifications form the basis for the promotional decisions without regard to race, color, national origin (ancestry), sex, sexual preference/orientation, gender identity, gender expression, transgender, marital or parental status, age, creed, religion or political beliefs, mental or physical disability, genetic information or status as a veteran. MSU Bozeman will monitor promotion rates for minorities and women and, when necessary, may employ one or more of the following procedures:
- a. Maintaining an inventory of current minority and women employees.
 - b. Providing job training, job-related courses or certificate programs.
 - c. Reviewing work specifications and job qualifications to ensure job-relatedness.
 - d. Reviewing promotion decisions for possible impact on women or minorities.
 - e. Informing employees about educational programs and other opportunities available to improve their employment prospects.
 - f. Reviewing seniority practices for possible impact on women and minorities.
 - g. Reviewing MSU Bozeman-sponsored social and recreational activities to ensure non-discriminatory participation and availability.

- h. Ensuring that all employees are given equal opportunity for promotion. This is achieved by:
 1. Generally posting or otherwise announcing most promotional opportunities.
 2. Assisting employees in identifying promotional opportunities, training and educational programs to encourage and enhance professional growth.
 3. Evaluating job requirements for promotion.

Internal Audit and Reporting System

41 C.F.R. § 60-2.17(d)

1. MSU Bozeman's EEO Administrator maintains an internal audit system to oversee MSU Bozeman's Affirmative Action Plan and assess progress. 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 with each department manager and supervisor, depending upon the specific responsibility. 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: promotions, terminations, and compensation, at all levels, to ensure the nondiscriminatory policy is carried out,
 - b. Requesting internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained,
 - c. Reviewing reports at all levels of management; and
 - d. Advising top management of the program's effectiveness and submitting recommendations to improve unsatisfactory performance. 41 C.F.R. § 2.17 (d)(1)-(4).
2. MSU Bozeman reviews various employment decisions, such as hiring decisions, promotions, and terminations. MSU Bozeman maintains summary data where necessary and feasible, and conducts regular reviews at least annually.
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, national origin (ancestry), sex, sexual preference/orientation, gender identity, gender expression, transgender, marital or parental status, age, creed, religion or political beliefs, mental or physical disability, genetic information or status as a veteran cannot result, provided that separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to ensure privacy between the sexes.

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; 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. Provide needed reports to managers and supervisors regarding the results of the audit as well as MSU Bozeman's overall progress in the area of EEO/AA. Any recommended actions should be made as well. Reports shall be made to senior management on at least a biennial basis.