

## **ACKNOWLEDGEMENTS**

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We would also like to say a very special thank you to Heather Langdon, Office of Institutional Research Assessment and Planning, who generated the availability data and conducted the utilization analyzes (the Plan could not have been completed without her expertise and her omnipresent enthusiasm).

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## **FOREWORD**

### **THE RIGHT TO EQUAL EMPLOYMENT OPPORTUNITY**

The State of North Carolina is committed to the provision of Equal Employment Opportunity. Equal Employment Opportunity is recognized by State Government and the State Personnel Commission as a social, legal, and economic obligation involving all aspects of employment policies and practices. Its successful implementation provides substantial positive benefits to State Government and to its employees by enabling fuller use of human resources, skills, and talents.

The State is committed to equal employment opportunity and recognizes that effective and efficient government requires the talents, skills, and abilities of all available human resources. It is the official policy of the State of North Carolina to provide all current employees and applicants for state employment with equal employment opportunities without discrimination on the basis of race, religion, color, creed, national origin, sex, age, disabling condition, political affiliation, or sexual orientation.

All personnel policies, practices, and programs shall be administered and implemented in a non-discriminatory manner by all state agencies, departments, and universities.

In furtherance of this policy, the State of North Carolina and its various agencies and universities shall take positive measures toward ensuring that equal opportunity is incorporated into all personnel policies and practices by developing and implementing an equal employment opportunity plan and program.

This policy represents the commitment of the State to guarantee equal employment opportunities for all employees and applicants and to promote a diverse workforce. Furthermore, this policy and any related policies and programs adopted by the State Personnel Commission shall be implemented by every state agency and university.

### **STATE REQUIREMENTS ON EQUAL EMPLOYMENT OPPORTUNITY**

The State of North Carolina's policy is to take action to ensure that equal employment opportunity is available to all citizens. The adoption of the policy by the State Personnel Commission on August 12, 1977, established the intent of the State to ensure greater utilization of all persons in its work force. The responsibility for policy implementation rests with the Governor and is delegated to the chancellor of every component of the State University System with employees who are subject to the jurisdiction of the State Personnel Act. In accordance with this policy, Appalachian State University has developed the following equal employment opportunity plan and will update it annually.

### **DEFINITION OF AN EQUAL EMPLOYMENT OPPORTUNITY PLAN**

An Equal Employment Opportunity Plan is a detailed, results-oriented set of procedures designed to achieve full utilization of minority, female and disabled workers at all levels and in all parts of the University work force.

## **BASIC STEPS**

An Equal Employment Opportunity Plan must include three basic steps:

1. Analysis of the University's work force, and comparison of it to the pool of available workers to determine whether the percentages of workers in each race and sex group and disabled persons in each occupational category are substantially similar to the percentages of those available in the relevant job market who possess the basic job-related qualifications.
2. Examination of the University's personnel practices (recruitment, selection, interviewing, etc.) to determine which practices produced the disparities uncovered in the work force analysis.
3. Action plan of procedures to be used to eliminate the disparities in the work force by modifying or eliminating the practice(s) found to have caused them.

## **UNLAWFUL WORKPLACE HARASSMENT PREVENTION**

In December 1998, the State Personnel Commission adopted a policy prohibiting unlawful workplace harassment. This policy prohibits the unlawful workplace harassment of applicants and employees and requires the University as an entity of the State to establish programs and policies to ensure that the work site is free of unlawful workplace harassment. This policy also prohibits retaliation against employees. It defines unlawful workplace harassment as unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or disabling condition that creates a hostile work environment or circumstances involving quid pro quo.

This policy further requires the University to develop a plan setting forth steps to prevent and correct unlawful workplace harassment and to submit the plan to the Office of State Personnel for review, technical assistance and approval. Basic elements

required in the plan are: 1) policy statement, 2) objectives, 3) timetables, 4) responsibility for implementation, 5) approach/action steps, and 6) evaluation. Each university is to submit the plan annually, either separately or as an addendum to the equal employment opportunity plan.

The University will review its current grievance policy and procedure and will propose any necessary revisions to ensure consistency with the Unlawful Workplace Harassment Policy.

Appalachian State University will also modify its existing policy governing employee grievances to reflect the timeframes consistent with SB78.

## **POLICY STATEMENTS**

### **NORTH CAROLINA EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

It is the policy of the State of North Carolina to provide equal opportunity in employment for all qualified persons, and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disabling condition, political affiliation, or sexual orientation. In furtherance of this policy, the State of North Carolina and its various subdivisions shall:

1. Recruit, select, hire, place, train, and promote persons in all job classifications without regard to race, color, national origin, religion, creed, sex, age or disabling condition.
2. Base selection, hiring and promotion decisions on valid requirements and criteria which are related to work performance and are necessary upon entry at that level.

3. Administer all employment practices including compensation, benefits, promotion, training, tuition assistance, termination, transfer, demotion and reduction-in-force objectively without regard to race, color, national origin, religion, creed, sex, age, disabling condition, political affiliation, or sexual orientation.
4. Provide, when necessary, reasonable accommodations for applicants' and/or employees' disabling conditions when doing so will enable them to successfully perform job duties or benefit from training.
5. Prohibit retaliatory actions against employees or applicants for employment who make a charge of employment discrimination, testify, assist or participate in any manner in a hearing, proceeding or investigation of employment discrimination.
6. Assure a work environment that is free from discrimination.



**APPALACHIAN STATE UNIVERSITY  
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT  
FROM THE CHANCELLOR**

Appalachian State University (Appalachian) emphatically states that it will provide equal employment opportunities for all persons regardless of race, color, national origin, creed, religion, sex, age, disabling condition, political affiliation, or sexual orientation (except where religion, sex, or age are bona-fide job-related employment requirements). This is in keeping with Title VII of the Civil Rights Act of 1964, as amended, Executive Orders 11246 and 11375, the Rehabilitation Act of 1973 (especially, Sections 503 and 504), the Civil Rights Restoration Act of 1988, NC G.S. 126-16 and 126-17, the Americans With Disabilities Act of 1990, and other applicable Federal and State laws.

In furtherance of this policy, Appalachian prohibits retaliatory action of any kind taken by any employee against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding, or investigation of employment discrimination. To ensure that equal employment opportunity exists throughout the university, a results-oriented equal employment opportunity program will be implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to employment opportunities for all qualified individuals that may exist in any of our programs.

This program shall ensure greater utilization of all persons by identifying the underutilized groups in the work force (especially minority, female and disabled workers) and making special efforts to increase their participation in recruitment, selection, training and development, upward mobility programs and any other term, condition, or privilege of employment.

Program objectives and timetables shall be established to reduce and eliminate the underutilization of all groups through the equal employment opportunity plan and program. Responsibility for the development of this plan and program is hereby assigned to the Compliance Officer for Staff. Responsibility for the implementation of and compliance with this plan and program will be shared with the Equity Office and by all managers and supervisors.

The equal employment opportunity action program will be evaluated and monitored continuously. Periodic reports on the progress of this program will be presented to me by the Associate Compliance Officer.

Appalachian is committed to this program and is aware that with its implementation, positive benefits will be received from the greater utilization and development of previously underutilized human resources.

Adopted this the 1st day of January 2009.

---

Dr. Kenneth E. Peacock, Chancellor

## STATEMENT OF UNIVERSITY POLICY

This policy statement of Appalachian State University mirrors that of the State, but includes a more detailed description of the University's commitment to Equal Employment Opportunity. The following items are University policy at Appalachian:

1. Assurance that all persons (applicants and employees) are covered by the equal employment opportunity plan without regard to race, color, national origin, religion, creed, sex, age, disabling condition, political affiliation, or sexual orientation.
2. Assurance that the university prohibits discrimination and harassment based on race, color, national origin, religion, creed, sex, age, disabling condition, political affiliation, or sexual orientation.
3. Assurance that all selection, hiring and promotion decisions will be based on valid requirements which are related to work performance and are necessary upon entry at that level.
4. Assurance that the basic employment practices of the university will be administered without regard to race, color, national origin, religion, creed, sex, age, disabling condition, political affiliation, or sexual orientation, and that these practices shall specifically include, but not be limited to:
  - Recruitment, including advertising or solicitation for employment
  - Selection, hiring, and placement
  - Treatment during employment including promotion and upgrading
  - Evaluation of work performance
  - Administration of all forms of pay and other compensation
  - Selection for training, including trainee, work-against, intern and apprenticeship opportunities
  - Other career development opportunities
  - Transfer, demotion, termination and/or reduction-in-force
5. Assurance that, when necessary, the University will provide reasonable accommodations for applicants and/or employees with disabling conditions when doing so will enable them to successfully perform job duties or benefit from training.
6. Assurance of the prohibition of retaliatory actions against employees or applicants for employment who make a charge of employment discrimination, testify, assist or participate in any manner in a hearing, proceeding or investigation of employment discrimination.

7. Statement of the laws and acts dictating guidelines for EEO compliance, especially Title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246, as amended, the Rehabilitation Act of 1973 (especially, Sections 503 and 504), the Civil Rights Restoration Act of 1988, and the Americans With Disabilities Act of 1990.
8. Delegation of responsibility and accountability for EEO program implementation and compliance from the chancellor to University managers and supervisors.
9. Commitment of the University, its Compliance Officer, officers, managers and supervisors to the EEO policy and plan.

## **ASSIGNMENT OF RESPONSIBILITY AND ACCOUNTABILITY**

### **GOVERNOR**

The Governor of the State of North Carolina has overriding responsibility for the State's equal employment opportunity policies and programs. The responsibility for the actual development and implementation of individual equal employment opportunity plans and programs is delegated by the Governor to each university chancellor and each head of a department of State and each head of a State agency or commission.

**OFFICE OF STATE PERSONNEL RESPONSIBILITIES**  
**(EQUAL OPPORTUNITY SERVICES DIVISION)**

The Office of State Personnel shall develop and implement a State Equal Employment plan to promote equal opportunity throughout state government. The Plan shall include, but not be limited to, a policy statement and the following elements:

- Recruitment
- Disciplinary Process
- Selection Processes
- Hiring
- Promotion
- Training
- Compensation and Benefits
- Performance Appraisals
- Reduction in Force
- Harassment Prevention
- Evaluation Mechanism
- Reporting Mechanism
- Transfer and/or Separation
- Grievance Procedures

The Office of State Personnel shall provide:

1. technical assistance, to include one-on-one or group consultation and an EEO Planning and Resources Guide to aid in the development and implementation of an effective plan and program.
2. training for: a) EEO Officers, EEO committee members and others responsible for the development and/or implementation of the EEO Plan and Program, b) agency heads, chancellors, managers and supervisors on diversity and EEO issues through the EEO Institute, and c) all employees on unlawful workplace harassment prevention, reasonable accommodations for the disabled, diversity issues, and other EO issues as appropriate.
3. monitoring to assess each agency's and university's progress.
4. oversight to ensure that the EEO plan and program in each agency and university complies with the minimum established measures in content and elements for an effective plan and program.

5. evaluation criteria to review, assess and report the status of each agency's and university's EEO plan, policies, procedures, practices and programs, in order to determine if they are administered in a consistent and fair manner. Evaluation will include an on-site component.
6. Support programs to enhance each agency's and university's efforts to attract, develop, promote, and retain a diverse workforce and to meet program objectives.

The Office of State Personnel shall develop data systems and design tools to Review data and analyze the degree of diversity within each occupational category. The information collected from the data systems, tools, and analysis will be used to evaluate trends related to all aspects of employment in order to determine the impact of all personnel policies and practices on EEO throughout State government and within each agency and University.

### **AGENCY RESPONSIBILITIES**

The agency head and university chancellor shall:

1. be responsible for the implementation of this policy and any related policies or programs adopted by the State Personnel Commission.
2. designate an official at the deputy secretary, assistance secretary or vice-chancellor or assistant vice-chancellor level or high level official with direct reporting relationship to the agency head or chancellor to assume responsibility for the operation and implementation of their equal opportunity plan and program.
3. take positive measures to ensure that equal opportunity is available in all areas of employment including: recruitment, selection, hiring, promotion, demotion, compensation (including salary adjustments, reallocations and performance increases), termination, reductions in force (layoffs), re-employment priorities, training, career development, transfer and other terms, and conditions and privileges of employment.
4. take measures to ensure the work environment is consistent with the intent of this policy and supports equal opportunity.
5. communicate the agency or university commitment to EEO policies, plans, and procedures to all employees, applicants, and the general public.

6. provide necessary resources to ensure the successful implementation of the EEO program.
7. ensure the development and implementation of policies, procedures, and programs necessary to achieve a workforce in each occupational category that reflects the State of North Carolina working population. ensure the development and implementation of an equal employment opportunity plan and program.
8. submit the plan and program by March 1 of each year to the Office of State Personnel for review, technical assistance, and approval by the Director of State Personnel.

### **MANAGERS AND SUPERVISORS**

Personnel decisions which impact most directly the success of the EEO program are made by persons at the managerial and/or supervisory level; the roles of manager and supervisor are most crucial to the program. Each manager and supervisor is responsible for implementing the specific elements of the equal employment opportunity plan which are designed to eliminate the underutilization of minority, female and disabled workers and the barriers to equal employment opportunity which cause this underutilization.

The manager's/supervisor's performance in achieving equal employment opportunity objectives will be included in her/his evaluation for promotions and salary recommendations. The specific responsibilities of managers and supervisors include, but are not limited to:

1. assisting in the identification of areas of underutilization and establishing program objectives and timetables for their elimination.
2. making every effort to achieve established placement program objectives and maintaining an equitably representative work force for the department, division, work unit or section.

3. providing career counseling for employees and ensuring that all protected group employees are given the full opportunity to attend workshops and seminars and/or to take credit courses under the provisions of the university's educational assistance program.
4. assisting the Compliance Officer in periodic evaluations to determine the effectiveness of the EEO program.
5. sensitizing employees to all EEO policies.
6. preventing and correcting workplace harassment of employees.

### **COMPLIANCE OFFICER**

Compliance Officers' responsibilities shall include, but are not limited to:

1. interpreting and applying Federal laws, state statutes, policy regulations and guidelines related to discrimination in employment and equal opportunity.
2. reviewing hiring recommendations for compliance with EEO program objectives prior to the final agency or university hiring decision.
3. maintaining and analyzing workforce utilization data for development of the equal employment plan and program in conjunction with management.
4. maintaining and analyzing data on employment practices to monitor and evaluate the effectiveness of the EEO program and make recommendations.
5. advising management of the program's impact and effectiveness on workforce demographics at all occupational levels.
6. providing or coordinating EEO training for management and employees.
7. providing confidential counseling or consultation for management and employees in matters involving EEO concerns or complaints alleging discrimination (formally, informally, and within agency or university guidelines).
8. establishing and maintaining effective working relations with groups concerned with equal employment opportunity.
9. coordinating special programs (internally or in cooperation with State Personnel) to achieve program objectives and to provide for management and employee input and assistance in program development and implementation.

10. presenting information on the EEO plan and program to management and employees on a regular basis.
11. circulating current EEO information throughout the University.

### **EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMMITTEE**

EEO Committee responsibilities shall include, but are not limited to:

1. serving as a communication link between managers and employees and the EEO staff on aspects of the EEO plan and program.
2. reviewing and evaluating the equal employment opportunity plan and program.
3. reviewing workforce representation data in each occupational category.
4. surveying the organizational climate, employee attitudes, and evaluating the resultant data.
5. meeting with the agency head or university chancellor in conjunction with the EEO Officer to discuss EEO programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program.
6. identifying recruitment resources and other activities designed to strengthen the EEO program.
7. meeting as a committee at least once annually.



**APPALACHIAN STATE UNIVERSITY**

**EQUAL OPPORTUNITY ASSOCIATES**

**2007-2008**

**NAME**

Rebecca Kaenzig  
Larry Kimball  
Barbara Yale-Reed  
Michael Windelspecht  
Steve Williams  
Dinesh Dave  
Norm Clark  
RahmanTashakkori  
Pam Schram  
Tim Perri  
Rosemary Horowitz  
Sammie Garner  
John Geary  
Kevin Kennedy  
Rich Crepeau  
Ellen Cowan  
Jon Beebe  
Sheila Phipps  
Alan Utter  
Cathy Clark  
Derek Stanovsky  
Gayle Turner  
Nancy Mamlin  
Lyle Schoenfeldt  
Bonnie Guy  
Brian Felkel  
Major Maury Williams  
Karen Reesman  
Jesse Taylor  
Sid Clements  
Renee Scherlen  
Jim Denniston  
Jammie Price  
Eric Reichard  
Martha Marking

**DEPARTMENT**

Accounting  
Anthropology  
Art  
Biology  
Chemistry  
Information Technology  
Communication  
Computer Science  
Curriculum and Instruction  
Economics  
English  
Family and Consumer Sciences  
Finance, Banking, and Insurance  
Foreign Languages and Literatures  
Geography and Planning  
Geology  
Hayes School of Music  
History  
Health, Leisure, and Exercise Science  
Human Development and Psychological Science  
Interdisciplinary Studies  
Leadership and Educational Studies  
Language, Reading, and Exceptionalities  
Management  
Marketing  
Math  
Military Science  
Nursing  
Philosophy and Religion  
Physics and Astronomy  
Political Science/Criminal Justice  
Psychology  
Sociology and Social Work  
Technology  
Theatre and Dance

## **503/504 AND ADA ADVISORY COMMITTEE**

The 503/504 & ADA Advisory Committee also is vital to the success and acceptance of the University's equal employment opportunity program. This group is committed to the success of the EEO program and it has the ability to influence top management in decisions relating to the use of human resources within the institution. The 503/504 & ADA Advisory Committee is composed of both managers and employees, with representatives selected from several departments, divisions and units. The composition, over time, includes workers from each protected group to increase the committee's sensitivity to all EEO issues. The 503/504 & ADA Advisory Committee has responsibility for stressing inquiry into existing disabilities. It meets once each academic year.

## **DISSEMINATION OF THE PLAN, POLICY, AND PROGRAM**

The communication of the intent and provisions of this EEO plan and program to employees and to the general public is a most important aspect of the University's EEO program. Title VII and its implementation guidelines encourage employers to "seek out and employ qualified minorities and females." The courts and the Equal Employment Opportunity Commission (EEOC) have ruled that an employer with a disproportionately low number of minority and/or female employees has probably acquired a reputation as a discriminatory employer. Findings in discrimination cases have stated that a lack of protected group applicants indicates a lack of effective, thorough and frequent employer efforts to communicate that which was necessary. In other words, the dissemination and communication aspect of our EEO program must be aggressive in order to be effective.

Both internal and external dissemination of plans, policies and program provisions are necessary for the effective communication of the University's commitment to EEO.

### **INTERNAL DISSEMINATION**

In addition to the duties of the Compliance Officer outlined above, the Compliance Officer is responsible for ensuring that:

1. All employees receive a copy of the University's Equal Employment Opportunity Plan. If this is not feasible, all employees must receive:
  - a copy of the University's EEO policy.
  - notice of name(s), phone number(s), and location(s) of the University's Compliance Officers.
  - statement of purpose of the EEO Committee that includes the names and phone numbers of its members.
  - copy of the grievance and/or complaint procedures.
  - notice of the location(s) of the copy of the plan in its entirety that is available for employee or applicant reading.
2. Managers and supervisors are effectively trained on their specific responsibilities to the equal employment opportunity program and related university policy.
3. EEO, Workplace Harassment and RIF policy statements and the procedures for filing a discrimination complaint are posted on bulletin boards in waiting areas and other areas where employees and/or the public congregate.
4. Equal Employment Opportunity Policy is available on the HRS and Equity Office websites as well printed copies available in the Office of Human Resource Services.
5. All photographs used by the University for publicity and/or public relations include protected group employees.

## EXTERNAL DISSEMINATION

Plans for the external dissemination of the EEO policy and plan are also necessary to ensure that the general public is informed of the University's posture on EEO. The Associate Compliance Officer is responsible for compiling a list of resources for recruiting protected group workers that can be expected to have a reasonable interest in employment with the University. The effective list includes public agencies, institutions and private companies and groups that have a great deal of contact with protected group members (See Recruitment Resources). To effectively disseminate the plan, policy and program to these external resources, the Associate Compliance Officer:

- Provides a copy of the University's EEO and Workplace Harassment policy statements to each resource, subcontractor, vendor, and/or supplier.
- Assures that job announcements and any other pertinent material is posted on the Human Resource Services website at [www.hrs.appstate.edu](http://www.hrs.appstate.edu).
- Maintains regular and routine contact with recruitment resources\*, especially during periods when no openings occur.

\* NOTE: Accurate records are maintained on each applicant with recruitment resources. This information is necessary for summarizing recruitment efforts on a annual basis.

## **WORK FORCE/LABOR FORCE ANALYSIS**

The work force/labor force analysis is used to compare the distribution of the workers in the University's workplace by race, sex and number reporting disabling conditions to the distribution of workers in each of the demographic groups in the relevant labor forces; and to identify the occupational categories in which minority and female workers are underutilized in the University.

## **MINORITY AND FEMALE WORKERS**

The work force/labor force utilization analysis rendered below was conducted to identify areas in which minority and female workers might be underutilized in the University's workplace. Both the Equal Employment Opportunity Commission's EEO-1 Categories form and the seven (7) Summary Groups of the Standard Occupational Classification (SOC) were used to compare availability with possible underutilization.

The EEO-1 Categories form is a broad grouping of the following nine (9) "Job Group Name"(s): Officials and Managers; Professionals; Technicians; Sales; Office and Clerical; Craft Workers/skilled; Operatives/semi-skilled; Laborers/unskilled; and Service Workers.

The SOC lists the following seven (7) Summary Groups: Officials and Managers; Professionals; Technicians; Office and Clerical; Crafts Workers/skilled; Service Workers; and Maintenance Workers.

The Equal Opportunity Services Division of the Office of State Personnel allowed the University to use race and sex availability data provided by the local offices of the Employment Security Office for Watauga and surrounding counties (Ashe, Avery, Alleghany and Carter, Johnson, and Unicoi in Tennessee) for both the EEO-1 Categories and the seven (7) Summary Groups of the SOC that are applicable to the University. Most applicants for employment with the University come from these seven (7) counties.

The "two-factor analysis" was used with both the EEO-I categories form and the seven (7) Summary Groups of the SOC. Underutilization was found in ten (10) EEO-I Categories and the seven (7) Summary Groups of the SOC: (961) Executive, Admin., and Mgr.; (962) Mgmt. Related Professionals; (963) Engineers, Arch., and Surv.; (970) Health Technol & Tech. (976) Admin. Support, Clerical; (977) Protective Service Workers; (978) Other Service Workers; (982) Precision Prod. And Extractiv.; and (984) Transport and Moving Materials.

Rendered in the following tables are the seven (7) Summary Groups of the SOC titled and subsumed as follows (Codes 951 through 959): first is the "Utilization Analysis -- Any Difference Rule (Detail)"; second is the "Utilization Analysis -- Workforce vs. Availability Percentages"; and third is the "Availability Analysis -- two factor analysis. (Note: Whole Person Rule in Effect. The numbers shown are the difference between expected and actual numbers of employees.)

(Note to Daniel: Insert Utilization Analysis Pages Here)

## **DISABLED WORKERS**

The "Ethnic Census Report by Title Within SOC Job Category" prepared by the Office of State Personnel lists Appalachian State University as having only 16 (1.14%) disabled employees out of a permanent full-time SPA staff of 1,408 persons (as of 12-31-07). These reporting data are at best overly conservative. Applicable University employees have long been hesitant to identify themselves as being disabled. The University's 503/504 & ADA Advisory Committee has propounded this problem for many years.

Any member of the committee could easily identify many more employees than the 24 who stated they are disabled but most folks who have disabling conditions just do not want to be considered officially disabled in the eyes of others. Even so, Appalachian State University has spent literally hundreds of thousands of dollars on improving facilities such as bathrooms, railings, ramps, and sidewalks in order to make the campus accessible to the mobility impaired. Additionally, other funds have been spent to make the workplace and individual work stations accessible. "Reasonable accommodations" have been effected in dozens of instances and work continues apace in this whole area. All new construction and all reconstruction meet all the guidelines for mobility access. Mobility disabled employees still find it difficult, however, to perambulate the campus environment due to the undulating topography and the inclement weather of the Boone area.



Hiring goals for the mobility impaired, disabled and otherwise, would be difficult if not impossible both to postulate and effectuate because of the disinclination of employees to self-describe themselves as "disabled." The University is sensitive to this situation and continues to make good faith efforts to employ the disabled.

### **ESTIMATION OF JOB OPENINGS**

The estimation of job openings is used in each occupational category in which an underutilization has occurred to project the University's capacity to eliminate or reduce this underutilization for the year of the plan (2008) and for a group of five years immediately following the plan year (2009-2013).

During the next five years, it is estimated that there will be the following openings in the area identified as underutilizing females (all vacancies from attrition, no openings are anticipated by projected expansion):

(Code 961)	Executive, Admin, and Mgr.	1 opening
(Code 962)	Mgmt. Related Professionals	3 openings
(Code 963)	Engineers, Arch & Surv	1 opening
(Code 970)	Health Technol & Tech	1 opening
(Code 975)	Admin Support, Supervisor	2 openings
(Code 976)	Admin Support, Clerical	3 openings
(Code 977)	Protective Service Workers	2 openings
(Code 978)	Other Service Workers	8 openings
(Code 982)	Precision Prod and Extractiv	12 openings
(Code 984)	Transport and Moving Materials	1 opening

## **FORMULATION OF PLACEMENT PROGRAM OBJECTIVES**

The following program objectives are meaningful and obtainable and have been formulated for the initial reduction and the eventual elimination of the underutilization of minorities in the occupational category where it has occurred here. The timetables that state target dates for the achievement of the reduction and/or elimination of underutilization of minorities here are specified in the following statements: JOB OPENING ESTIMATES/PLACEMENT PROGRAM OBJECTIVES FOR OCCUPATIONS IN WHICH PROTECTED GROUPS ARE UNDERUTILIZED--2008 AFFIRMATIVE ACTION PLAN"), please see pages 51-69.

(Note to Daniel: Insert "Job Opening Estimates for Occupations in Which Underutilization Occurs" pages here.

## **DEVELOPMENT OF ACTION-ORIENTED PROGRAMS**

The final step in the formulation and effectualization of an equal employment opportunity plan is the development and implementation of action-oriented programs designed to address EEO problems and to improve the likelihood of program objective achievement. Effective programs are planned on the basis of the results of the work force/labor force analysis, the analysis of barriers to equal employment opportunity that have occurred in the University, and the established goals and timetables. Additionally, the following action-oriented programs are designed to maintain non-discriminatory plans and activities, and to monitor the University's efforts and successes or failures in this most important area.

To ensure effective implementation and administration, the description of each program attempts to address the following:

- Objective(s) to be achieved
- Specific action steps for reaching the objectives
- Individuals and/or organizational units responsible for implementation
- Procedure that will be used to evaluate progress, lack of progress, and required program revisions

## RECRUITMENT

Appalachian State University has an on-going job applicant recruitment program. These recruitment efforts include: advertisement of the vacancy on campus, Office of State Personnel Job Postings, and the Human Resource Services website, and also review and screen applications. Depending upon qualified/protected group applicants in pool jobs may require advertisement in newspapers and professional journals and contact with special minority recruitment sources (Office of State Personnel, other universities, organizations, etc.).

Also, to increase the number of protected group applicants, visits are made periodically to Employment Security Commission offices in surrounding counties (principal recruiting area) to solicit their support. Once the names of qualified protected group applicants are identified in our files, they are made readily available when a vacancy occurs. This includes the identification of members of the current work force, especially those in the protected groups, for promotional opportunities. These persons will be given priority and, if necessary, given training to meet job requirements.

Recruitment procedures are reviewed and monitored continually to ensure that discriminatory practices do not occur. All literature used in the recruitment process is reviewed for its relevancy and non-discriminatory nature. We are looking at all times for new programs or ideas which will improve our process and meet goals and timetables for the placement of protected group applicants.

## SELECTION

The initial step in the selection process is to review the duties of the vacant position to ensure accuracy and to ensure that desired qualifications are justified. In the selection process the State of North Carolina application form is the essential tool. Human Resource Services has an online version of this application form at [www.jobs.appstate.edu](http://www.jobs.appstate.edu). This application has been reviewed by the Office of State Personnel (OSP) to ensure that it is not discriminatory. All applications screened through the Office of Human Resources Services. In the pre-selection conference with Human Resource Services, the supervisor is made aware of those protected group applicants in the pool and is reminded that they should be given priority consideration. A minimum of three applicants must be interviewed for each opening. Once the interviews are complete and the employment recommendation is made by the supervisor, the hiring proposal is submitted by the supervisor. The Hiring Proposal is then reviewed and approved by the Compliance Officer for Staff. Once this process is complete, the offer of employment is made to the successful candidate. Periodic studies are made to ensure the success of the EEO program at the University.

## **JOB STRUCTURING**

It is the responsibility of Human Resource Services to monitor a job classification system which ensures that position descriptions are accurate and that positions are classified properly. With the assistance of the Office of State Personnel, a determination is made that job qualifications are job-related and necessary at entry. Any time a position is vacated, procedures ensure that a review for that position is conducted for accuracy of classification. Also, job studies are conducted according to a long-range plan with individual positions studied as needed. For each job vacancy the recruitment source does receive the classification, brief description and qualification for the position.

## **EMPLOYEE TRAINING**

Appalachian State University provides both training programs and training assistance funds for all staff employees. Programs are provided for improvement of job performance, personal development/improvement and career development. Programs are continually under review to determine if the needs and interests of the employees are being met. Employee surveys are conducted at least on an annual basis to assist in the development of a training schedule. These programs are well publicized and are open to all staff employees.

## **TRANSFER AND/OR SEPARATION**

Appalachian State University has in place a structured and uniform procedure for employees transferring and/or separating from employment. A Separation Notice is completed and submitted to Human Resource Services as soon as possible after the

supervisor receives notification of an employee's intended separation. If the separation is due to a resignation or transfer, the employee's letter of intent must be attached to the completed Separation Notice.

Human Resource Services, with the help of the exiting employee's supervisor, is responsible for seeing that each terminating employee is provided an Employee Exit Survey. The Employee Exit Survey provides a feedback mechanism for improvement of staff employment practices and helps to identify problems that may exist in certain departments on campus. An analysis of the information collected is shared with top management to alert them of any conditions that need immediate attention.

## **COMPENSATION AND BENEFITS**

Appalachian State University adheres to a policy of equal pay for equal work. An employee's rate of pay is determined according to what other employees doing similar work are being paid. Appointments above the minimum (hiring rate) must be justified on the basis of market shortages or if the applicant possesses exceptional qualifications above the minimum requirements of the class specifications. Each appointment above the minimum is analyzed to insure inequities are not created for current employees performing similar duties and responsibilities.

Benefits that include leave policies; retirement plans; insurance programs; and other terms, conditions and privileges of employment; are equally available without discrimination to all employees.



## **MANAGEMENT TRAINING**

Supervisory and management training is a most important part of the overall training program at the university. This type of training is provided to assist supervisory personnel to be more sensitive to the needs of all employees, especially those in the protected group. At least on an annual basis, special programs are conducted on EEO concerns, workplace harassment, disabled employees, employment procedures, etc.

## **UPWARD MOBILITY**

The internal promotion policy at the University strongly encourages promotions from among its current work force. All employees are encouraged to avail themselves of this opportunity. Protected group employees are identified and brought to the attention of the hiring supervisor in the initial stages of the selection process. A sign-off procedure is in place to ensure that the selection procedures do not discriminate. Interested employees are identified and considered for employment or additional training. Career counseling is available for employees as well as special training opportunities to assist employees in this process.

## **PERFORMANCE APPRAISAL**

The performance appraisal system at Appalachian State University utilizes all aspects of the Performance Management System endorsed by the Office of State Personnel. This system is based on the importance of managing each individual's work

and continuous communication between employees and their supervisors. The process includes the following three steps:

1. **Determining Performance Expectations** - At the beginning of each work cycle, the employee and supervisor will meet to determine the employee's work plan. Primary job factors are listed with tasks and special projects/assignments associated with the factor. Expectations for each factor, task or project/assignment are determined along with the actual method of evaluation to be used.

2. **Holding the Interim Review** - The supervisor shall meet with each employee at the middle of the work cycle for an interim review of job performance. The purpose of the review is to discuss progress toward meeting expectations.

3. **Conducting the Performance Appraisal** - At the end of the work cycle the supervisor will meet with the employee to review the employees job performance for each expectation. An overall job performance rating is determined for the employee and justified by the supervisor. All this information is documented on the appraisal form along with comments by the employee and supervisor.

Managers and supervisors are held accountable for and are appraised on how well they encourage and attempt to achieve the University's EEO program objectives and plans. The Performance Management System is uniform throughout the University and is free of bias.

## **COUNSELING**

### **GRIEVANCE COUNSELING**

Appalachian State University has a formal grievance policy and procedures established to ensure that each employee has an opportunity to discuss and seek remedy to items of concern. Employees are assisted and advised by representatives from Human Resource Services on the access and use of this procedure. These same representatives are available to discuss any employment matters with the employees in hopes of reaching an informal resolution of these problems.

### **CAREER COUNSELING**

Career counseling is available to the employees through the various management and supervisory levels as well as through representatives in Human Resource Services. Employees also may be referred for assistance to other resources on campus. Ongoing training programs to enhance career opportunities are available through the Office of Human Resource Services division of Training and Development.

## **INTERNAL MONITORING, EVALUATION, AND AUDITING SYSTEM**

The following internal monitoring and evaluation system audits personnel policy and personnel decisions and is essential to ensure non-discrimination and the achievement of program objectives and timetables. Additionally, evaluation of progress is essential for assessing the overall effectiveness of the equal employment opportunity program and for providing data upon which to base recommendations for future action. To carry out these objectives, this equal employment opportunity plan includes an action-oriented internal monitoring and evaluation program to provide for:

1. The regular review and evaluation of the EEO plan and all EEO program activities.
2. The update of the equal employment opportunity plan as required by the Office of State Personnel to set new program objectives and develop programs as needed.

In order to determine the effectiveness of the University's EEO program, the five reports listed on the following page will be made.

## REPORTS

Type of Report	Frequency Rate	Person Responsible
<p><b>REPORT ON SELECTION DECISIONS</b> Including data on the number of applicants or candidates indicating the number selected and placed (R/S/D)* and giving the reasons for selection or rejection</p>	<p>Each new hire, promotion, or other selection activity in an under-represented SOC category</p>	<p>Compliance Officer</p>
<p><b>REPORT ON TRAINING</b> Including data on the number of requests for training and number of employees receiving training (R/S/D)*</p>	<p>As needed.</p>	<p>Assistant Director, Human Resource Services/ Training and Development</p>
<p><b>IMPACT OF SELECTION DECISIONS</b> Adverse impact of each selection decision in under-represented SOC's</p>	<p>Annually</p>	<p>Compliance Officer</p>
<p><b>QUARTERLY SUMMARY OF EEO ACTIVITY AND PROGRESS</b> Including data on the under-representation program objectives, new hires, promotions, training requested, training received, and separations occurring during the quarter (R/S/D)*</p>	<p>Annually</p>	<p>Compliance Officer</p>
<p><b>ANNUAL SUMMARY OF EEO ACTIVITY AND PROGRESS</b></p>	<p>Annually</p>	<p>Compliance Officer</p>

\*By race and sex and number reporting disabling conditions.

# UNLAWFUL WORKPLACE HARASSMENT PREVENTION PLAN

APPALACHIAN STATE UNIVERSITY  
Office of the Chancellor

PS-20  
Effective: September 7, 2000

Page 1 of 15

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Dr. Kenneth E. Peacock  
Chancellor

## **Policy Prohibiting Workplace Harassment**

Harassment based upon race, color, religion, creed, sex, national origin, age, disability, political affiliation or sexual orientation is a form of discrimination in violation of federal and state law and Appalachian State University policy, and will not be tolerated. Retaliation against any person opposing or complaining of harassment is in violation of federal and state law and Appalachian State University policy, and will not be tolerated.

The policy of Appalachian State University is that no university employee may engage in speech or conduct that constitutes workplace harassment or retaliation as defined below. All current and former university employees are guaranteed the right to work in an environment free from workplace harassment and retaliation.

### **DEFINITIONS:**

Consistent with State law and university policy, "Workplace Harassment" is defined as unwelcome or unsolicited speech or conduct based upon race, sex, sexual orientation, creed, religion, national origin, age, color, or disabling condition as defined by G.S. 168A-3, that creates a hostile work environment or circumstances involving *quid pro quo*.

A "Hostile Work Environment" is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

"*Quid Pro Quo*" harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

"Retaliation" is adverse treatment which occurs because of complaints about or conduct in opposition to workplace harassment.

Note: Sexual Harassment does not include personal compliments welcomed by the recipient, or social interaction or relationships freely entered into by State employees or prospective employees.

Note: The U.S. Supreme Court recently held "that nothing in Title VII necessarily bars a claim of discrimination "because of ... sex" merely because the "grievant and the alleged harasser "are of the same sex."

Note: "Hostile" includes offensive, aggressive, antagonistic, belligerent, and/or contentious behavior involving unlawful workplace harassment based on age, sex, race, color, national origin, religion, creed, disabling condition, political affiliation, or sexual orientation as defined by G.S. 168A-3. A hostile work environment is determined by looking at the following: 1) whether the environment is objectively offensive in the eyes of a reasonable person, 2) whether the environment is subjectively offensive in the eyes of the person who is the object of the alleged harassment, and 3) the nature of the alleged hostility.

Note: Examples of *quid pro quo* unlawful workplace harassment include:

1. A supervisor promises an employee a promotion if the employee acquiesces to sexual advances.
2. A supervisor begins each staff meeting with a prayer session conducted by a Christian minister. A Jewish employee refuses to participate in the prayer session and is terminated because of this refusal.

## **PROCEDURES AND APPEALS**

Any former employee, full-time or part-time employee with either a permanent, probationary, trainee, time-limited permanent or temporary appointment who feels that he/she has been harassed or subjected to retaliation in the workplace must do the following:

1. Submit a written complaint to Appalachian State University within 30 calendar days of the alleged harassing or retaliatory action.

2. The University must respond with appropriate remedial action within 60 calendar days from receipt of written complaint unless the University has waived the 60-day period, and grievant has acknowledged such Waiver. The Waiver and Acknowledgment shall be in writing. Any grievant subject to the State Personnel Act, N.C.G.S. § 126-1, *et seq.*, who has alleged harassment based upon race, sex, creed, religion, national origin, age, color, or disabling condition or who has alleged retaliation for complaining or protesting such harassment, may, if not satisfied with Appalachian State University's response, appeal directly to the Office of Administrative Hearings and the State Personnel Commission within 30 days of the university's response. Any grievant not subject to the State Personnel Act may, if not satisfied with the university's response, pursue such other administrative or judicial remedies (*e.g.*, grievance, lawsuit) as may be available.

Note: An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or disabling condition as defined by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings and the State Personnel Commission.

Note: Grievant may file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).

Note: Applicants, while not covered under the State statute (SB 78) governing workplace harassment, are covered under other State and Federal Civil Rights Acts.

A prompt and impartial investigation will be made of all cases alleging workplace harassment or retaliation based on presented facts surrounding the alleged misconduct. Any interference, coercion, restraint or reprisal directed against any person complaining of or opposing workplace harassment is prohibited.



## **Appalachian State University's Unlawful or Impermissible Workplace Harassment Prevention Plan**

### **A. Purpose and Policy**

Harassment based upon race, color, religion, creed, sex, national origin, age or disability is a form of discrimination in violation of federal and state law and Appalachian State University policy, and will not be tolerated. It is the internal policy of Appalachian State University to prohibit harassment on the basis of sexual orientation\*. Retaliation against any person opposing or complaining of harassment is in violation of federal and state law and Appalachian State University policy, and will not be tolerated. Consistent with applicable laws and policies, Appalachian State University prohibits workplace harassment of employees and retaliation against employees bringing a complaint of such harassment to the attention of their employer. The following plan provides policy, procedures, and guidelines to assist university members in the prevention and correction of unlawful or impermissible workplace harassment.

As more fully stated in Appalachian State University's Policy Prohibiting Workplace Harassment, the University's policy regarding workplace harassment provides that all employees are guaranteed the right to work in an environment free from workplace harassment and retaliation, and that no employee may engage in speech or conduct that meets the definition of unlawful or impermissible "Workplace Harassment" as defined in the university's policy.

*\*Because harassment on the basis of sexual orientation is not prohibited by North Carolina or Federal statutes, remedies for such harassment are limited to the University level, and cannot be pursued in the courts or before the Office of Administrative Hearing and the State Personnel Commission.*

### **B. Making a Workplace Harassment Complaint**

1. a. An employee who believes that he/she has been subjected to any form of unlawful or impermissible workplace harassment is encouraged to attempt to resolve the matter initially with the administrative official (that is, direct supervisor) most directly concerned with supervising the employee, unless that official is the person alleged to have committed the workplace harassment.
  
- b. If the employee prefers not to go to his/her supervisor, he/she should bring his/her concerns to the attention of the Director of Appalachian State University's Equity Office.

2. If an employee makes a complaint of workplace harassment to his/her supervisor, it is the responsibility of that supervisor to formally bring the complaint to the attention of the next senior supervisor (if that supervisor is not the person alleged to have committed the workplace harassment) and the Director of the Appalachian State University Equity Office within one working day of that supervisor having been given notice of the alleged harassment by their supervisee, except in circumstances where bringing the complaint to the attention of the next senior supervisor and/or the Director of the Appalachian State University Equity Office without the employee's explicit consent would violate the confidentiality of a communication made in either a physician-patient or a counselor-client relationship.
3. In accordance with the North Carolina State Personnel Act and the North Carolina Office of State Personnel Policy on Unlawful Workplace Harassment, in order to protect an employee's rights, an employee subject to the State Personnel Act, N.C.G.S. § 126-1, *et seq.* (an "SPA employee"), must file a report of workplace harassment with his/her supervisor or the Director of the Appalachian State University Equity Office within 30 calendar days of the alleged harassing action. The employee may elect to bypass any step in the University procedure involving review of or decision by alleged harasser, and appeal directly to the Office of Administrative Hearing and the State Personnel Commission.
4. Complaints should be made in writing and given to the employee's supervisor or to the Director of the Appalachian State University Equity Office at the following address:

Director, Equity Office  
Appalachian State University  
123 I. G. Greer (P.O. Box 32053)  
Boone, NC 28608  
(828) 262-2144

5. When a written complaint is received, whether from the complaining employee or from the employee's supervisor, the Equity Office will conduct a prompt, thorough, and impartial investigation in consultation with the appropriate supervisor. The totality of the circumstances and facts will be reviewed to determine whether the alleged conduct constitutes workplace harassment. Within sixty (60) calendar days of having received the written complaint, the University will provide a written response to the grievant and the accused based on the findings of the investigation. This response will include the determination of what action, if any, will be taken as a result of the written complaint. If a decision is reached at any time within sixty (60) calendar days from date the Complaint is filed, a "Notice of Final University Decision" form and the "Acknowledgement of Waiver" form must be completed. The "Notice of Final University Decision" will be completed by Appalachian State University's Equity Office Director and presented to the Grievant. The "Acknowledgement of

Waiver” must be completed and signed by the Grievant and returned to the Equity Office. A sample of both these documents may be found on pages and

6. Appalachian State University shall take appropriate remedial action when warranted. Any interference, coercion, restraint or reprisal directed against any person opposing or complaining of workplace harassment is prohibited.
7. If an SPA employee is not satisfied with the university’s response to the complaint, the grievant may appeal directly to the North Carolina State Office of Administrative Hearings and the State Personnel Commission within 30 calendar days. Any complainant not subject to the State Personnel Act may, if not satisfied with the University's response, pursue such other administrative or judicial remedies (e.g., grievance, lawsuit) as may be available.

**Note:** *A grievant has a right to file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).*

**Note:** *An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or disabling condition as defined by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings and the State Personnel Commission.*

### **C. Unlawful or Impermissible Workplace Harassment Prevention Plan Objectives and Timetable**

The following goals, objectives, and completion dates have been established to create, maintain, and ensure a supportive and harassment-free university community.

Review the Appalachian State University Unlawful or Impermissible Workplace Policy and Prevention Plan  
Reviewed yearly

Provide educational programs, training, and outreach programs for all current and new employees  
Ongoing

Communicate the policy and plan to all new and current employees  
Ongoing

Develop and disseminate Unlawful or Impermissible Workplace Harassment brochures, posters, and educational materials in a variety of formats  
Ongoing; reviewed yearly

Develop evaluation methods for training and educational outreach programs  
Procedures and programs established  
Ongoing and reviewed yearly

Develop and review procedures for confidential reporting of complaints and inquiries  
Procedures established; reviewed yearly

Develop and review procedures for investigating alleged workplace harassment  
Procedures established; reviewed yearly

Develop and review procedures for consistent and confidential informal and formal resolution of complaints  
Procedures established; reviewed yearly

Provide a campus resource person responsible for providing guidance and responding to inquiries concerning workplace harassment issues  
Established

Develop appropriate disciplinary actions to address Unlawful or Impermissible Workplace Harassment and assure consistent and fair applications  
Procedures established; reviewed yearly

Develop procedures for monitoring the progress and resolution of all complaints  
Procedures established; reviewed yearly

#### **D. Responsibility for Implementation**

##### **University Compliance Office, Equity Office, and Human Resource Services**

The Chancellor of Appalachian State University has delegated the responsibility of developing the Unlawful or Impermissible Workplace Harassment policy, submitting that policy and implementation plan as part of the University's Equal Employment Opportunity (EEO) Plan, and reporting complaints through established grievance reporting mechanisms to the Compliance Office. The Compliance Office has delegated to the University's Equity Office the responsibility for implementing and evaluating the prevention plan (including training, education, and outreach); investigating complaints; when appropriate, serving as resources for all parties involved in a workplace harassment allegation; and seeking appropriate resolution. The University's Office of Human Resource Services will assist employees with the interpretation of the State Personnel Act and procedural guidelines. The University's Office of Human Resource Services will also coordinate reporting grievances through the mechanism of the State Office of Personnel Management Information System.

## **Deans and Unit Heads**

Deans, Unit Heads, and all other supervisors are responsible for creating and maintaining a supportive and harassment-free work and academic environment for all members of the campus community. They have the responsibility for responding promptly and adequately to complaints of workplace harassment, and for seeking assistance from the University's Equity Office in resolving the complaint.

## **Supervisors**

Supervisors are responsible for creating and maintaining a supportive and harassment-free work and academic environment for all members of the campus community. The supervisor is responsible for informing employees of the University's Unlawful or Impermissible Workplace Harassment policy, responding promptly and adequately to harassment complaints, and reporting any allegations to the Equity Office when they receive a complaint of workplace harassment.

## **Employees**

Employees are responsible for creating and maintaining a supportive and harassment-free work and academic environment for all members of the campus community. Employees are responsible for adhering to the policy prohibiting workplace harassment and for reporting workplace harassment in accordance with the complaint procedures outlined above to obtain assistance in resolving concerns. Employee conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment could constitute unacceptable personal conduct.

## **E. Unlawful or Impermissible Workplace Harassment Policy and Plan Implementation**

### **1. Training**

All training for university employees is scheduled through the Equity Office via open-enrollment workshops and other training sessions, new employee orientation sessions, mandated ongoing supervisor and staff workplace training sessions, and online computer tutorials.

#### **Training for administrators and supervisors**

Programs especially designed to meet the needs of administrators and other supervisors will ensure that they:

- Understand the meaning and terminology of the Policy Prohibiting Unlawful or Impermissible Workplace Harassment
- Know the role and responsibilities of supervisors
- Gain an awareness and understanding of federal and state laws

Know and understand Appalachian State University's policy and plan regarding Unlawful or Impermissible Workplace Harassment

Know how and to whom to report allegations of workplace harassment, the university procedures for investigating such complaints, and grievance procedures

Develop skills that will enable them to create and maintain a supportive, harassment-free work and academic environment for all members of the campus community

Receive workplace harassment resource and reference materials to use in their workplace

### **Training for University Employees**

Programs especially designed to meet the needs of university employees will ensure that they:

Understand the meaning and select terminology of the Policy prohibiting Unlawful or Impermissible Workplace Harassment

Know the rights and responsibility of employees

Gain an understanding of federal and state laws pertaining to workplace harassment

Understand Appalachian State University's policy regarding and plan for preventing workplace harassment

Know the procedures for reporting, investigating, and filing a grievance

Develop skills needed to create and maintain supportive, harassment-free work and academic environments for all members of the campus community

### **2. Counseling**

Professional counseling through the Employee Assistance Program is available to any University employee who has made an allegation of harassment.

## **F. Complaint Resolution**

### **1. Confidentiality**

All information having to do with allegations of, investigations of, material gathered pertaining to, and proceedings relating to a complaint of workplace harassment or retaliation will only be shared on a need-to-know basis and will remain confidential to the extent permitted by law.

### **2. Retaliation**

Any interference, coercion, restraint, or reprisal directed against any person opposing or complaining of workplace harassment is prohibited and, if proven, subject to disciplinary action.

### **3. Discipline**

The University has established an impartial disciplinary action program. The program states the following:

- a) complaints alleging workplace harassment or retaliation will be reviewed on a case-by-case basis on presented facts.
- b) interference, coercion, restraint or reprisal against any person opposing or complaining of workplace harassment is prohibited.
- c) all parties are entitled to a fair and impartial hearing.

### **4. Appropriate Complaint Resolution Sanctions**

If a complaint results in a finding of harassment or retaliation or other inappropriate behavior, the Dean/Unit Head in collaboration with the Equity Officer must determine the most appropriate resolution of the case. An educational approach to assessing remedies, sanctions and penalties is desired. The primary goal when composing an appropriate and comprehensive resolution strategy is to ensure the termination of the harassing or retaliatory conduct and to prevent its reoccurrence. Terminating conduct and preventing its reoccurrence are achieved by imposing appropriate limitations and sanctions upon the respondent. Sanctions should ensure the greatest possibility that the respondent will have a clear understanding of how the inappropriate conduct affected the victim and others. Educating the respondent and all parties is the best way to prevent a reoccurrence. Reasonable measures should also be affected to protect the complainant from retaliation. Deans/Unit Heads and the Equity Officer should ensure that the level and type of remedies prescribed are consistent with resolutions to similar cases.

### **5. Rights and Responsibilities of the Respondent**

- a) It is your right to have an opportunity to fully respond to the complaint. After an initial meeting with the Equity Officer, you are encouraged to formalize your response in writing, addressing each concern.
- b) It is your right to have the complaint investigated and resolved in a timely manner. The Equity Office in collaboration with the Dean/Unit Head will make a good faith effort to resolve the complaint as promptly as possible.
- c) It is your responsibility not to take any actions against the grievant that could be considered retaliation. Specifically, you should not attempt to contact the grievant in any fashion during the course of resolving the complaint, except as necessary to perform academic or job-related duties.

- d) It is your right to know the steps taken to resolve the complaint. You will be fully informed by the Equity Officer regarding the status of the investigation.
- e) You have the responsibility of providing as much information as possible as requested by the investigators in order to provide a fair and just resolution to the complainant.
- f) You have the right to confidentiality. Only individuals responsible for or involved with the investigation will have access to the information you provide regarding the complaint. Should the complaint result in a grievance or disciplinary or other formal process, the information you provide may be used in that process.
- g) You share responsibility for maintaining confidentiality. In doing so, you are protecting your own privacy as well as the privacy of the grievant, witnesses and other involved parties. Disclosure of the existence, nature or details of the case to individuals not directly involved is forbidden. Additionally, you should not attempt to conduct your own inquiry regarding the complaint at this time. To do so would complicate and possibly adversely affect the efforts of the investigators.
- h) It is your right to be notified of the final disposition of the complaint; that is, whether the complaint was substantiated. You will receive a summary of the investigation and findings.
- i) It is your right to appeal internally or grieve externally any decisions made and/or actions taken resulting from the complaint. The Equity Officer will fully advise you regarding your rights.
- j) It is your right not to be subjected to false complaints or frivolous and malicious complaints. Complaints found to be such will be considered misconduct and subject to disciplinary measures.

## **G. Dissemination**

The Unlawful or Impermissible Workplace Policy and Prevention Plan — including information regarding procedures, resolutions, reporting, and educational programming — will be made available to all employees on at least an annual basis via the following means:

Distributing the Policy in all employees' mail boxes

Harassment brochures for all employees

Posters displayed on campus

New Employee Orientation

Workshops: both those offered for open enrollment and those that are mandatory for all current and new employees

Electronic Media

Staff, faculty, and student publications



## **H. Evaluation**

The Equity Officer, the Compliance Officer, and Human Resource personnel will jointly review, evaluate, and assess the university's harassment prevention and resolution efforts on at least a yearly basis.

**NOTICE OF FINAL UNIVERSITY DECISION**

**Unlawful Workplace Harassment**

To: \_\_\_\_\_  
*(Appalachian State University Employee)*

From: \_\_\_\_\_  
*(Person designated by agency to execute waiver)*

Appalachian State University has made the final determination/decision required by G.S. 126-34 regarding the unlawful workplace harassment complaint that you filed on \_\_\_\_\_ (Date).

By law, Appalachian has until \_\_\_\_\_ (Date) to make a determination with regard to your complaint. This memorandum is to inform you that Appalachian State University hereby waives its right to make another or different determination with regard to your unlawful workplace harassment complaint between now and \_\_\_\_\_(Date).

In addition, because Appalachian State University has waived its right to make another or different determination within this time period, you have thirty (30) calendar days to file an appeal of the final University decision.

The thirty-day period begins upon receipt of this Notice and the attached Final Appalachian State University decision.

\_\_\_\_\_  
*Signature/Appalachian State  
University Equity Office Director*

\_\_\_\_\_  
*Date*

**ACKNOWLEDGEMENT OF WAIVER**

**Unlawful Workplace Harassment**

I hereby acknowledge receiving a copy of Appalachian State University's Final Decision and the Notice of Appalachian State University's Final Decision and Waiver of the University's right to make another or different determination with regard to my Unlawful Workplace Harassment Complaint. I further acknowledge that I have thirty (30) calendar days from receipt of these documents to appeal to the State of North Carolina Personnel Commission by filing a petition for a contested case hearing at the Office of Administrative Hearings, pursuant to G.S. 150B-23.

\_\_\_\_\_  
(Employee)

\_\_\_\_\_  
(Date)

**Instructions**

Please complete the Acknowledgment of the Unlawful Workplace Harassment Waiver and return to Appalachian State University, Equity Office.

## Appalachian State University Grievance Policy and Procedures

The purpose of the grievance policy is to provide a means of communication between supervisors and employees and to establish principles of administration to insure a prompt, orderly, and fair response to an employee's grievance or complaint.

This policy meets all requirements and is consistent with all policies as established by the North Carolina State Personnel Commission and is administered in a totally equitable manner and is free of any unlawful discrimination.

Career State employees are employees who are in a permanent position appointment and have been continuously employed by the State of North Carolina in a position subject to the State Personnel Act for the immediate twenty-four (24) preceding months. All Career State employees have a right to present a grievance free from interference, restraint, coercion, or reprisal.

### Actions Covered

Covered Persons	Grievable Issues
Career State employees or former career State employees	<ul style="list-style-type: none"> <li>•Dismissal, demotion, or suspension without pay without just cause</li> <li>•Denial of promotion due to failure to post</li> <li>•Failure to give promotional priority over outside applicants</li> <li>•Failure to give RIF* re-employment consideration</li> <li>•Failure to give policy-making/confidential exempt status priority re-employment consideration</li> <li>•Failure to follow systematic procedures in reduction in force (not alleging discrimination)</li> <li>•Denial of veteran's preference in connection with RIF</li> </ul>
Any State employee or former State employee	<ul style="list-style-type: none"> <li>•Denial of request to remove inaccurate or misleading information from personnel file</li> <li>•Policy-making designation</li> <li>•Discrimination in denial of promotion, transfer, or training; or retaliation in selection for demotion, RIF, or termination</li> </ul>
Any applicant for State employment	<ul style="list-style-type: none"> <li>•Denial of veteran's preference in initial state employment</li> <li>•Denial of employment on the basis of illegal discrimination</li> </ul>
Any State employee	<ul style="list-style-type: none"> <li>•A false accusation about political threats or promises</li> <li>•Violation of the FLSA, ADEA, FMLA, or ADA (except for employees in exempt policy-making positions).</li> </ul>

\*RIF (Reduction-In-Force)

\*\*FLSA (Fair Labor Standards Act); ADEA (Age Discrimination Employment Act); FMLA (Family Medical Leave Act); and ADA (Americans with Disabilities Act)

Performance rating disputes can be appealed within Appalachian State University by a separate policy. Such disputes cannot be appealed outside the University.

## **Written Warnings**

Written warnings are issued by departmental supervisors/management to employees for either of the following two (2) reasons: 1) Unsatisfactory Job Performance including Grossly Inefficient Job Performance and/or 2) Unacceptable Personal Conduct.

### ***Requirements for Issuing a Written Warning:***

The supervisor should schedule a meeting with the employee to deliver a letter of written warning. An employee cannot appeal a letter of written warning.

### ***A Letter of Written Warning Must:***

- Inform the employee that the action is indeed a written warning, and not some other form of non-disciplinary process such as counseling;
- Include specific issues that are the basis for the warning;
- Inform the employee of specific improvements that must be made to correct these specific issues;
- Inform the employee of the time frame allowed for making the required improvements and/or corrections. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct.

**Note:** If the warning does not include an improvement or correction timeframe, the timeframe is sixty (60) days for Unsatisfactory Job Performance and immediately for Grossly Inefficient Job Performance or Unacceptable Personal Conduct.

- Inform the employee of the consequences of failing to make the required improvements or corrections.

### ***Written Warnings Expire:***

- After eighteen (18) months, unless there has been additional written disciplinary action since the date the written warning was originally issued. If so, the 18-month time frame will be extended from the date of the most recent written warning.

- At any time if the supervisor or other authorized management representative

concludes that the problem that gave rise to the warning has been resolved or is unlikely to reoccur, the employee must be notified in writing that the written warning is being removed from the employee's personnel file. A copy of this action must also be sent to the Office of Human Resource Services.

Written warnings are not grievable under this policy. However, an employee may state or explain his/her point of view regarding the matter in writing to the Office of Human Resource Services, which will be placed in the employee's personnel file together with the letter of written warning.

### **Suspension Without Pay**

Before an employee is placed on disciplinary suspension without pay, the supervisor must schedule and conduct a pre-disciplinary conference with the employee. The supervisor must give the employee advance verbal or written notice of the conference. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances. During the pre-disciplinary conference, the employee must be given by the supervisor a statement in writing explaining the acts, or failure to act, that are the reason for the suspension. Following the pre-disciplinary conference, suspension without pay is usually effective immediately based upon the decision of the supervisor.

The time period for a disciplinary suspension without pay for an SPA employee who is subject to the Fair Labor Standards Act (FLSA) must be for at least one (1) full work day, but cannot exceed more than two (2) work weeks. However, if an SPA employee who is exempt from FLSA is suspended without pay, the time period must be for at least one (1) full workweek, but cannot be for more than two (2) full weeks.

### **Illegal Discrimination**

Any employee (regardless of length of service) who has reason to believe that employment, promotion, training or transfer was denied the employee; or that demotion, Reduction-in-Force or termination of employment was forced upon the employee because of age (above 40), gender, race, color, national origin, religion, creed, political affiliation, disabling condition, or retaliation except where specific age, sex, or physical requirements constitute a bonafide occupational qualification necessary to proper and efficient administration shall have the right to appeal through the University grievance procedure within fifteen (15) calendar days of the alleged discriminatory action or may appeal directly to the State Personnel Commission. An employee who chooses to bypass the University's internal grievance procedure and appeal directly to the State Personnel Commission must do so in writing within thirty (30) calendar days of notice of the alleged discriminatory action.

### **Reasonable Accommodation to Disabilities**

Effective November 1, 2006, the State Personnel Commission adopted a policy on requests for reasonable accommodation to disabilities. As part of that policy, employees and applicants have the ability to file a grievance if they are dissatisfied with a decision on a request for reasonable accommodation.

Those who wish to file a reasonable accommodation grievance may do so within the agency or university grievance process, or they may also file directly with the Office of Administrative Hearings. The grievance right applies to part-time or full-time employees, temporary employees, employees in a probationary status, non-career status employees, and employees with career status.

### **Unlawful Workplace Harassment**

An employee who alleges that he/she has been subjected to unlawful workplace harassment or retaliation in the workplace must submit a written complaint to Appalachian State University within thirty (30) calendar days of the alleged harassing or retaliatory action. If the employee elects to utilize the University grievance procedure, he/she has the right to bypass any step in the University grievance procedure involving discussions with or review by the alleged harasser. Unlawful workplace harassment issues must reach a final University decision within sixty (60) days of the triggering complaint.

For cases alleging or involving Unlawful Workplace Harassment issues, the Appalachian State University contact is as follows: Attorney Linda Foulsham, Equity, Diversity and Compliance (EDC) Office, (828) 262-2144.

### **Filing a Grievance**

An employee who chooses to file a grievance against his/her department must file the grievance within fifteen (15) calendar days of the date the employee received official written notice of the action against him/her. Usually actions constituting the filing of a grievance include employee dismissal, demotion, denial of promotional opportunity, suspension from employment, etc.

### **Grievance Rights and How to Obtain Information Regarding Grievance Policy and Procedures**

Appalachian State University's Grievance Policy and Procedures is available on the HRS website at [www.hrs.appstate.edu](http://www.hrs.appstate.edu). Any changes to the Grievance Policy and Procedures will also be made available to employees through the HRS website. The Employee Relations Group has printed copies available upon request, and a copy is given to employees who file a grievance. All new SPA employees will be made aware of the Grievance Policy and Procedures during orientation sessions.

Neither party (grievant or respondent) to the grievance can be represented by attorneys or other persons during the internal University grievance procedure.

Doris Greer, Assistant Director of Human Resource Services/Employee Relations Group, will provide information and answer questions for Appalachian State University regarding employee grievance rights and the Grievance Policy and Procedures. Contact information: Doris Greer, (828) 262-3186 or (828) 262-6486, e-mail: [greerdw@appstate.edu](mailto:greerdw@appstate.edu).

### **Employee Time Off For Grievance Proceedings**

Employees shall be allowed up to eight (8) hours of time off from their regular job duties for the preparation of their grievance case without loss of pay, vacation leave, or other time credits. Employees must notify their supervisor in advance and receive prior approval of the necessity to be absent from work for preparation of the grievance.

The employee shall further be allowed to attend the grievance hearing with no penalty of loss of pay, vacation leave, or other time credits.

### **Role of Human Resource Services**

Human Resource Services plays a vital role in the entire grievance process. The Assistant Director of Human Resource Services/Employee Relations Division will interpret the grievance policy for managers and employees, answer questions pertaining to said policy, and outline procedural matters of the grievance hearing process.

The Assistant Director's responsibility includes appointment of the SPA grievance hearing committee and providing instructions, training, and guidance to the committee. The Assistant Director will preside over all SPA Grievance Hearings and will be available for procedural consultation throughout the hearing, but shall not participate in the deliberations of the committee.



## **STEPS IN THE UNIVERSITY GRIEVANCE PROCESS**

### **Step 1—Employee Notice of Grievance/Supervisor Response**

To initiate a grievance, the employee must file a written Notice of Grievance within fifteen (15) calendar days of the contested action to the immediate supervisor explaining the act or acts which are being challenged and the relief requested. The employee should send a copy of the Notice of Grievance to the Assistant Director of Human Resource Services/Employee Relations Division.

The supervisor must respond to the employee/grievant in writing within ten (10) calendar days of the date that the supervisor receives the Notice of Grievance. This written response to employee/grievant by supervisor must state the departmental intent to uphold their original decision to dismiss, etc., or state that the department will reconsider their position in the matter. Notification of employee grievance rights to appeal the departmental action must be included with this correspondence to employee/grievant.

### **Step 2—Appeal to the Department Head if Supervisor Level Fails**

If communication and subsequent decision of the supervisor are not satisfactory to the employee, or if the employee fails to receive a written response from the supervisor within ten (10) days of the time that the employee filed the grievance, the employee can request the consideration of the immediate supervisor's manager or supervisor. This will normally be the department head.

An appeal to the department head may be presented either verbally or in writing within five (5) days of the Step 1 decision, and a written response to the employee's Notice of Grievance should normally be given within ten (10) days of that date. Notification of employee grievance rights to appeal the departmental action must be included.

### **Step 3—Appeal to the Chancellor Through the Grievance Committee**

If the communication and subsequent decisions at the Step 1 or Step 2 levels are not satisfactory to the employee, or if the decision is not received within the established time frame, or if the decision is not properly implemented, the matter may be appealed to a University grievance committee.

To proceed with the appeal to the University grievance committee, the grievant must submit this request in writing to the Assistant Director of Human Resource Services/Employee Relations Division within five (5) calendar days after Steps 1 and 2 have been determined to be yet unresolved.

The grievant must provide a written summary detailing the facts of his/her complaint to the Assistant Director of Human Resource Services/Employee Relations Division with copies of this summary being furnished to all parties involved.

The Assistant Director of Human Resource Services/Employee Relations Division will appoint the University grievance committee. The committee members shall not be from the same operational unit as the grievant. Five (5) members will be appointed by the Assistant Director of Human Resource Services/Employee Relations Division to serve on the committee plus two (2) alternates, making a total of seven (7). However, the University grievance committee shall consist of only five (5) members. The grievant shall be allowed the opportunity to eliminate up to two (2) members of the committee if the employee believes that those persons cannot render an unbiased decision. Once a member is eliminated, he/she will be replaced with one of the two alternate(s).

The committee shall not be made up entirely of supervisory or administrative personnel but should also include a group of peers. The demographics of the committee should reflect the demographics of the University personnel pool. In cases where illegal discrimination is alleged, it is recommended that at least one or more committee members be representative of the minority group in question.

The chairperson or a designated member of the grievance committee will preside over the grievance hearing. For the sole purpose of answering procedural questions and/or questions pertaining to personnel policy, the Assistant Director of HRS/Employee Relations Division or designee must be in attendance at the grievance hearing, but shall not participate in the deliberations of the committee. The Assistant Director of Human Resource Services/Employee Relations Division will select someone to record the minutes of the grievance hearing.

### **Responsibility of the Chancellor in the Grievance Hearing Process and the Final University Decision**

At the conclusion of the hearing, the grievance committee chairperson will furnish to the Chancellor a summary of the case along with the committee's recommendation for the final University decision. The committee chairperson must submit a confidential copy of the committee's recommendation to the Office of Human Resource Services at the same time it is delivered to the Office of the Chancellor.

It is the responsibility of the Chancellor to review all relevant information and issue to the grievant a final University decision within twenty-one (21) calendar days of the recommendation of the grievance committee.

The Chancellor must keep in mind the overall time period of the grievance process as governed by the Office of State Personnel, stating that a final University decision must be delivered to the grievant in writing within a reasonable time from the date that the grievance was initiated. A reasonable time is no more than ninety (90) days for dismissals and demotions and no more than one hundred and twenty (120) days for all other issues. The time limit may only be extended, if necessary, with the written consent of the grievant. Notification of grievant appeal rights to the State Personnel Commission must be included.

### **Appeal of the Final University Decision**

If the grievant disagrees with the final University decision and has attained career status (24 immediate continuous months of permanent employment), he/she may appeal this decision within thirty (30) days after receipt of the decision or action. An appeal to the State Personnel Commission is made by filing a petition for a contested case hearing with the Office of Administrative Hearings at the following address:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, North Carolina 27699-6714

Telephone: (919) 733-2698

### **University Responsibilities**

By January 1 of each even-numbered year, the University shall:

1. File its grievance procedure with the Office of State Personnel.
2. File for approval by the State Personnel Commission, any modification(s) to the University grievance procedure prior to the procedure becoming effective.
3. Submit a certified statement that no changes have been made to the grievance procedure since the last approved submission if such is the case.
4. Include in the grievance procedure the effective date of the procedure and the effective date of any changes to the procedures.
5. Continuously evaluate the grievance procedure's effectiveness in achieving the University's goals.
6. Compile information on employee grievance semi-annually and as otherwise requested by the Office of State Personnel. These reports shall be submitted prior to the first business day of January and July.

This grievance procedure/policy is effective January 2008.

# *Appalachian State University*

Boone, North Carolina

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## ▶ Reduction-in-Force Guidelines and Policies for Staff Employees ◀

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Appalachian State University, in accordance with Federal and State legislation, has established a policy and procedure for Reduction-In-Force (RIF). The RIF policy is designed to provide the University with guidelines to separate an SPA (Staff) employee whenever it is necessary, due to a shortage of funds or work, abolishment of a position, or other material changes in duties, direction or organization.

It is the responsibility of the University to inform the employee of separation as soon as possible and to inform the employee, in writing, of the reasons for the reduction-in-force, her/his eligibility for priority re-employment consideration, appeal rights, and other benefits available.

The University must provide employees with a minimum of thirty (30) days written notice of separation. Neither temporary, probationary, nor trainee employees in their initial six (6) months of training shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary time period) must be separated in the same or related class. Criteria used for establishing the order of separation for career employees will be fair and systematic and will include: a) length of service; b) type of appointment; c) relative efficiency; d) actual and/or potential adverse impact on protected group individuals. A career status employee who is notified of separation under the reduction-in-force policy has the right to appeal with the Appalachian State University Staff Grievance Procedure or to the State Personnel Commission for a review to assure that systematic procedures were applied. This policy is available in the Office of Human Resource Services for review by all employees.

The Office of State Personnel policy provides that an appointing authority may separate an employee whenever it is necessary due to a shortage of funds or work, abolishment of a position or other material changes in duties or organization. Appalachian State University will administer the reduction-in-force guidelines in a fair and systematic manner to insure that employees affected will be treated equitably. It is the policy of Appalachian State University that all feasible alternatives to involuntary separation of employees will be considered before a reduction-in-force.

## **REDUCTION GUIDELINES**

The Chancellor, in consultation with the Director of Human Resource Services and the Vice-Chancellors, will have responsibility for determining the number of positions to be eliminated. The retention of staff employees when a reduction-in-force occurs will be as follows:

1. An impact analysis will be conducted prior to any reduction-in-force to insure that the action does not have an adverse effect on Equal Employment Opportunity goals and programs. Steps and procedures will be followed as described in the Office of State Personnel Guidelines.
2. The Vice-Chancellor will determine the position(s) to be eliminated and the area(s) affected. The Director of Human Resources Services will assist in identifying vacant positions as well as positions that may be affected, by job classification, type of appointment, length of service, and any other pertinent information available in the personnel records. The Staff Employee Work Performance Appraisal also will be used as a criteria to determine the SPA employee's relative efficiency and productivity.

The Vice-Chancellor will at this time also determine whether or not those employees whose positions are to be eliminated might be shifted to other positions within the Vice Chancellor area. RIF employees may be transferred to another area/department within the University.

At no time will temporary, probationary, or trainee employees in their initial six (6) months of employment be retained in classes where career employees in the same or related classification or office are employed and are subject to RIF.

3. When a single position or a group of positions are to be eliminated, the appropriate Vice-Chancellor will notify the Chancellor of the reduction-in-force and make a final recommendation of employees to be terminated to the Chancellor for approval. ***The Chancellor will make the final determination.***

## **NOTICE REQUIREMENTS**

Before a reduction-in-force occurs, the department head must provide the following information, **in writing**, to the employee(s) being laid off:

- The reason for the reduction-in-force.
- The effective date of the reduction-in-force (at least 30 days following notification date).

- Instructions to contact the Office of Human Resources Services for information on the following:
  - ▶ Benefits options.
  - ▶ Vacation and sick leave pay. (Employees are paid in a lump sum for accumulated vacation leave. Accumulated sick leave at the time of separation is reinstated if re-employment occurs within 5 years).
  - ▶ The University's policy on priority re-employment.
  - ▶ Completion of necessary application forms.
  - ▶ The amount of severance pay due, if any.
  - ▶ The appeal rights of permanent employees.

### **PRIORITY PLACEMENT AND RE-EMPLOYMENT STATUS**

When a career SPA (Staff) employee is notified of separation by reduction-in-force and an available position is vacant at the same or lower level, the employee, **if qualified, shall be interviewed** for the vacant position if she/he has applied. If the RIF employee meets the above conditions, she/he must be offered the vacant position prior to employing anyone who is **not a current state employee**. If the employee accepts a position on campus at a lower salary grade, the employee will remain on the priority list during a twelve-month period for classifications/pay grades up to and including the classification occupied at the time of notification of reduction-in-force.

An employee with priority status may accept a temporary position at any level and retain priority consideration.

If the employee is offered a lateral transfer or promotion to a higher grade (the job must be within 35 miles of the present work site), the employee no longer has priority to a position whether the employee accepts or rejects the job. If the employee accepts employment outside of State Government, the priority listing will be retained by Human Resource Services for the one-year period. If an appointment has not been received within the one-year period, the person may file a new application to be considered for employment under the regular university employment process.

A reduction-in-force applicant who accepts a position at the **same salary grade** shall be paid at the same salary rate as that paid at the time of notification of separation by reduction-in-force.

A reduction-in-force applicant who accepts a position at a **lower salary grade** than that held at the time of notification shall be paid at the same rate as the rate paid at the time of notification unless the salary rate exceeds the maximum of the new grade. When the salary rate exceeds the maximum of the lower salary grade, the employee's new salary rate shall be reduced to the maximum of the new lower salary grade.

## **EXEMPTIONS**

The employee who is separated at the end of a time-limited permanent appointment is not eligible for this priority consideration or severance pay.

## **OTHER AGENCIES OF STATE GOVERNMENT**

An employee with permanent status shall benefit from such priority placement and re-employment status in other State agencies subject to the State Personnel Act. Appalachian State University will cooperate with all other State agencies in giving re-employment status to reduction-in-force employees. In addition, the Office of Human Resource Services will make every effort to help place the reduction-in-force employee in another State agency if/when the employee makes such a request. Otherwise, the RIF employee must sign a statement indicating that he/she has no interest in receiving such assistance.

## **APPEAL RIGHTS**

A career status employee who is notified of separation under the reduction-in-force policy has the right to appeal with the Appalachian State University Staff Grievance Procedure or to the State Personnel Commission for a review to assure that systematic procedures were applied.

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Dr. Kenneth E. Peacock, Chancellor

December 31, 2007  
Date

## VETERANS' PREFERENCE EMPLOYMENT POLICY

### **Statutory Provision**

State law requires that employment preference be given for having served in the Armed Forces of the United States on active duty, for reasons other than training, during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

The preference to be accorded eligible veterans shall apply in initial selection and reduction-in-force situations only.

### **Who is Eligible?**

"Veteran" means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and was discharged under other than dishonorable conditions.

"Eligible veteran" means:

- a veteran who served during a period of war, or
- the spouse of a disabled veteran; or
- the surviving spouse or dependent of a veteran who died on active duty during a period of war either directly or indirectly as a result of such service; or
- a veteran who suffered a disabling injury for service-related reasons during peacetime; or
- the spouse of a veteran who suffered a disabling injury for service-related reasons during peacetime; or
- the surviving spouse or dependent of a person who died for service-related reasons during peacetime.

### **What Periods Are Included?**

December 7, 1941	through	May 15, 1975
June 6, 1983	through	December 1, 1987
December 20, 1989	through	January 31, 1990
August 2, 1990	through	The date approved by Congress or the President as the ending date for hostilities for the War on Terrorism. Or, any other campaign, expedition or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

### **What Periods Are NOT Included?**

The only veterans not to be provided veterans' preference are those who served during the following periods if they have not established a service connected disability:

May 16, 1975	through	May 31, 1983
December 2, 1987	through	December 19, 1989
February 1, 1990	through	August 1, 1990



### **How to Claim Veterans' Preference in Initial Selection**

To claim veterans' preference upon initial application, all eligible persons must complete an online employment application form at the HRS website, [www.jobs.appstate.edu](http://www.jobs.appstate.edu). Appalachian State University shall verify eligibility.

### **Minimum Qualifications**

In order to claim veterans' preference, eligible veterans must meet the minimum training and experience requirements for the position and must be capable of performing the duties assigned to the position.

In evaluating qualifications, credit shall be given on a year-for-year and month-for-month basis for all military service training and experience which bears a reasonable functional relationship to the knowledge, skills, and abilities required in the position applied for.

### **Determining Military Service Credit**

In initial selection procedures, where numerically scored examinations are used in determining the relative ranking of candidates, ten (10) preference points shall be awarded to eligible veterans.

In initial selection, where structured interview, assessment center, in-basket, or any other procedure, not numerically scored, is used to qualitatively assess the relative ranking of candidates, the veteran who has met the minimum qualification requirements and who has less than four years of related military experience beyond that necessary to minimally qualify, shall also receive additional experience credit for up to four years of unrelated military service. (Exception: Eligible spouses and dependents shall not receive additional experience credit for the veteran's unrelated military service. The preference to be given is that the qualified spouse or dependent shall be hired when the spouse or dependent's overall qualifications are substantially equal to the non-veterans in the applicant pool. Such preference may be claimed without regard to whether such preference has been claimed previously by the veteran.)

The amount of additional experience credit to be granted for unrelated military service in individual cases shall be determined as follows:

Determine the amount of related military service possessed by the eligible veteran beyond that required to meet the minimum qualifications and:

- if the total of such experience equals or exceeds four years, the additional credit for unrelated military service does not apply, but
- if the total of such experience is less than four years, the veteran shall receive direct experience credit for unrelated military service in an amount not to exceed the difference between the related military service and the 4-year maximum credit that may be granted.

### **Applying Preference**

After applying the preference, the qualified eligible veteran shall be hired when overall qualifications are substantially equal to the non-veterans in the most qualified applicant pool. Substantially equal qualifications occur when the employing agency cannot make a reasonable determination that the qualifications held by one or more applicants are significantly better suited for the position than the qualifications held by another applicant.

In reduction-in-force situations, when calculating length of service, the eligible veteran shall be accorded one year of state service for each year or fraction thereof military service, up to a maximum of five (5) years' credit. (Refer to policy on Reduction-in-Force for related information.)

### **Relationship to Other Priorities**

If the selection decision is between a qualified non-State employee veteran and a substantially equivalent applicant with a priority described below, the applicant with the priority described below shall be selected.

- a qualified current State employee with career status who is seeking a promotional opportunity.
- a qualified employee separated from an exempt policy-making or exempt managerial position for reasons other than just cause,
- a qualified State employee with career status who is notified of or separated by reduction-in-force, or
- an employee returning from worker's compensation leave.

### **Appeals**

Any claim or allegation that preference has not been accorded to an eligible veteran shall be filed with the State Personnel Commission through the established contested case procedures of the Office of Administrative Hearings. Such claims shall be filed in a manner consistent with the requirement of G.S. 150B-23 and G.S. 126-38. Such claims shall be heard as contested cases pursuant to G.S. 150B, Article 3. The State Personnel Commission may, upon a finding that veterans' preference was denied in violation of this policy, order the hiring or reinstatement of any affected person, as well as any other remedy necessary to correct the violation.

**EEO REPORT**  
**FOR SPA EMPLOYEES**

*Appalachian State University*

**SPA WORK FORCE ANALYSIS**

**2007**

**SPA Work Force Analysis 2007  
Appalachian State University**

<b>Code</b>	<b>Job Group Name</b>	<b>Total</b>	<b>Breakdown</b>
951	Officials and Managers	35	13 WM, 22 WF
952	Professionals	155	28 WM, 122 WF, 2 BF, 2 HF, 1 OF
953	Technicians	158	75 WM, 78 WF, 1 BM, 2 AF, 1 AM, 1 OM
955	Office and Clerical	220	23 WM, 188 WF, 1 AM, 4 BF, 1 HF, 3 OF
956	Crafts Workers/Skilled	21	21 WM
958	Service Workers	141	57 WM, 73 WF, 4 BM, 2 BF, 1 AM, 2 AF, 1 HM, 1 OM
959	Maintenance Workers	313	210 WM, 90 WF, 3 BM, 1 BF, 1HM, 4 OM, 4 OF

	<b>Male</b>	<b>Female</b>
American Ind or Alaskan	0	0
Asian or Pacific Islander	3	4
Black	8	9
Hispanic	2	3
White	427	573
Other	6	8

<b>Grand Total</b>	<b>1,043</b>
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