**I. INTRODUCTION**

The University of Wyoming has prepared this affirmative action plan (AAP) under the requirements of Executive Order 11246, as amended, and implementing regulations, 41 C.F.R. Part 60-1. Terminology from Executive Order 11246 and its implementing regulations has been utilized as a guide. Therefore, the use of such terms as "underutilization", "problem identification", "corrective action", and so forth, should not be construed as an admission, in whole or in part, that in fact either minorities or women have been or are now presently being underutilized or discriminated against in any way which is in violation of any federal, state or local fair employment practice laws. Further, nothing contained in this AAP or its supporting data should be construed as an admission, in whole or in part, of any violation of such federal, state or local fair employment practices laws.

In developing and implementing this AAP, the University has been guided by its long established policy of providing equal employment opportunity. Any goals established herein are not intended as quotas that must be met, but rather as targets that are reasonably attainable by means of applying every good-faith effort. The use of goals and timetables is not intended, nor is the effect, to discriminate against an individual or group of individuals with respect to any employment opportunity for which they are qualified. Indeed, nothing herein is intended to sanction the discriminatory treatment of any person. Thus, this AAP has been developed in strict reliance upon the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (29 C.F.R. Part 1608).

The materials set forth in this AAP are deemed to constitute trade secrets, operations information, confidential statistical data and other confidential commercial and financial data, within the meaning of the Freedom of Information Act, 5 U.S.C. §552, Title VII of the Civil Rights Act of 1964 (as amended) 42 U.S.C. §2000e et seq., and the Trade Secrets Act, 18 U.S.C. §1905, and 44 U.S.C. §3508.

In addition to the narrative and the programs, there are several appendices, which relate to Plan content. They are:

[**Appendix A** Work Force Analysis](#APA)

[**Appendix B**  Staff and Administrative Job Groups](#APB)

[**Appendix C**  Sources](#APC)

[**Appendix D**  Recruitment, Selection, and Hiring Guidelines](#APD)

[D-1: Staff Appointments, Affirmative Action Guidelines](#APD1)

[D-2: Faculty and Administrative Appointments, Affirmative Action Guidelines](#APD2)

[**Appendix E** Staff Personnel Forms](#APE)

[**Appendix F** Faculty and Administrative Personnel Forms](#APF)

[**Appendix G** Organizational Chart](#APG)

[**Appendix H** Selection Process/Adverse Impact Analysis](#APH)

[**Appendix I**  Exceptions to Advertising Policy](#API)

[**Appendix J** University Regulation 4, Civil Rights Complaint Procedure](#APJ)

[**Appendix K** University Regulation 42, Sexual Harassment](#APK)

[**Appendix L** University Regulation 174, Revision 5, Regulation Governing Staff Employees and Information Circular 1997-1,Staff-Classification/Compensation Plan](#APL)

The University's Affirmative Action Plan is a flexible ongoing program. Therefore, as additional experience

is gained, current guidelines change, or new laws are introduced; the Plan will be modified to reflect these

altered circumstances. In addition, the Plan will be updated on an annual basis to incorporate changes

resulting from the previous year's activity. The Employment Practices will do the update activity

Office.

**II. DISSEMINATION** **OF POLICY**

##### A. INTERNAL DISSEMINATION

The University's Equal Employment Opportunity/Affirmative Action Policy is disseminated as follows:

1. The policy is distributed to the heads of all academic and administrative departments of the University.
2. Reference to the policy is made in the staff handbook, a copy of which is given to new employees at the time of hire. The handbook is also published on the University's web page.
3. Reference to the policy is incorporated in all recruitment brochures, bulletins, advertisements and announcements of position vacancies.
4. Reference to the Equal Employment Opportunity/Affirmative Action clauses required by Section 202 of Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended and the Vietnam Era Veteran Readjustment Assistance Act of 1974, as amended, pursuant to Title 38, United States Code, Section 4212(d) and PL 105-339.
5. All government posters are conspicuously displayed on campus bulletin boards in several campus buildings. A list of the poster locations is on file in the Employment Practices Office.
6. Meetings to explain and discuss the policy are arranged with faculty, staff, and administrative employees by the Employment Practices Officer/Affirmative Action Director to ensure that the policy is clearly understood and individual responsibilities are known.
7. Recruitment sources are encouraged to refer qualified women, minorities, and others in protected classes when position vacancies occur at the University.
8. Copies of the University's Affirmative Action Plan and supporting data are available in the Employment Practices Office, the Office of Human Resources, Coe Library, the Offices of the President and Vice Presidents, and the Faculty Senate and Staff Council offices. Persons wishing to review the Plan may do so at those locations.

**B. EXTERNAL DISSEMINATION**

Recruiting sources are informed of our Equal Employment Opportunity Policy. Our notification stipulates that recruiting sources actively recruit and refer minorities, females, the disabled, and armed forces veterans for all positions listed. Every effort will be made to utilize the State Employment Job Service Center as a recruitment source. Additionally, protected class organizations, schools and colleges, community agencies, and organizations for the disabled and veterans are notified of our EEO policy.

###### III. RESPONSIBILITY FOR IMPLEMENTATION

A. EXECUTIVE RESPONSIBLITY

The President has primary responsibility for this Affirmative Action Program and the Employment Practices Officer/Affirmative Action Director is assigned overall responsibility for administering the University's Affirmative Action Plan. The Employment Practices Officer/Affirmative Action Director is under the Office of the President and is responsible for developing, administering, coordinating, and monitoring the Program. The Director of Human Resources, the Director of Athletics, and the Vice Presidents for Academic Affairs, Student Affairs, Institutional Advancement, Information Technology, and Administration and Finance, assist the Employment Practices Officer/Affirmative Action Director in employment opportunity and affirmative action matters which relate to faculty and staff employment. Additionally, each administrative office, body, or search committee involved in the recruitment, selection, hiring, promotion, and supervision of academic and administrative positions has a continuing, ongoing responsibility to ensure that equal opportunity and affirmative action are meaningful parts of all personnel transactions, and to work with the Associate Employment Practices Officer, who has administrative oversight over all faculty search committees.

The specific duties of the Employment Practices Officer/Affirmative Action Director include, but are not limited to, the following:

1. Develop policy statements, affirmative action plans, internal and external communications techniques, and necessary procedures and reporting forms required to implement the Plan.

2. Assist in problem identification.

3. Assist line and staff management in resolving EEO problems.

4. Design and implement an audit and reporting system that will:

a) Monitor "applicant flow";

b) Measure the effectiveness of our affirmative action plan;

c) Indicate needs for remedial action;

d) Determine the degree to which our goals and objectives have been attained; and

e) Support our affirmative action performance review activity.

5. Serve as liaison between the University, Federal and State Regulatory agencies in regard to individual complaints and compliance reviews.

6. Serve as liaison between the University and minority and female organizations for the disabled, and community action groups concerned with the employment opportunities of minorities, women, the disabled, and veterans.

7. Keep management informed of the latest EEO and affirmative action developments, new supportive possibilities and/or innovative approaches.

8. To work with academic units in establishing reasonable goals and timetables.

9. To organize informational programs for University employees, which describe the Plan.

10. To work with the Director of Human Resources to ensure that relevant information is being documented and that procedures compatible with affirmative action are being followed to update the Plan.

11. To establish goals on an annual basis.

12. To provide necessary reports on the Plan.

13. To resolve individual complaints and administer the University's Civil Rights Complaint procedure.

14. To administer the University's Dispute Resolution procedure.

15. To administer the University's Termination Appeal Hearing procedure.

16. To work with individual departments and supervisors concerning implementation of the Plan and any problems, which may arise.

17. To provide affirmative action guidelines for appointing authorities and search committees regarding advertising, recruiting, and hiring.

18. Review employee qualifications to be sure that minorities, women, the disabled and veterans are given full opportunities for transfer and promotion.

19. To ensure that:

a) all required posters are properly displayed in their unit;

b) all our facilities are in fact desegregated; and

c) minorities and women are afforded full opportunity to participate in all sponsored training.

20. To prevent harassment and discrimination of all employees and students.

B. STAFF RESPONSIBILITY

Each staff manager of the University shall assist the Employment Practices Officer/Affirmative Action Director in carrying out and implementing the University's Equal Employment Opportunity/Affirmative Action policies within their areas by assisting with the following (also see Appendix D-1):

1. Problem identification;

2. Establishment of goals and objectives;

3. Training programs;

4. Evaluating hiring and promotion patterns and removing impediments that prevent attainment of the University's Affirmative Action goals and objectives; and

5. Informing managers and supervisors of the Affirmative Action Plan to ensure that our Equal Employment Opportunity Policy is being followed.

**C. ACADEMIC RESPONSIBILITY**

The Vice President for Academic Affairs shall assist the Employment Practices Officer/Affirmative Action Director in carrying out and implementing the University's Equal Employment Opportunity/Affirmative Action policies by requiring all of the academic administrative officers to assist the Associate Employment Practices Officer with the following (also see Appendix D-2):

1. Problem identification;

2. Establishment of goals and objectives;

3. Training programs; and

4. Evaluating hiring and promotion patterns and removing impediments that prevent attainment of the University's Affirmative Action goals and objectives.

The deans of each college and vice presidents of non-academic units shall assist the Employment Practices Officer/Affirmative Action Director by discussion of the Affirmative Action Program with associate deans and department heads to be certain that our Equal Employment Opportunity Plan is being followed. Additionally, at least one member of each academic and administrative search committee must meet with the Associate Employment Practices Officer early in the search process, and each search committee must comply with submitting required Affirmative Action/Equal Employment Opportunity paperwork.

IV. STATISTICAL ANALYSIS

In this section, we present the internal and external data required to carry out the problem identification process of Section V.

**A. INTERNAL DATA**

1. **Planning Units**

The Utilization Analysis and goal-setting process are carried out by organizational units, which in this plan are referred to as planning units. In this plan there are six (6) units: (1) Office of the President, (2) Vice President, Academic Affairs, (3) Vice President, Student Affairs, (4) Vice President, Administration & Finance, (5) Vice President, Research, and (6) Vice President,

Institutional Advancement. The six (6)-planning units are combined to provide an overall, consolidated University planning unit analysis, corrective action, and goal planning.

2. **EEO-6 Categories, Job Groups and Job Classifications**

The University of Wyoming's employee complement is divided into standard federal government EEO-6 reporting categories. The EEO-6 categories are very broad consolidations of job classifications that are somewhat similar in terms of job content. To make goal setting more meaningful, EEO-6 categories have been further divided into job groups. Each job group includes job classification (titles) that is similar in terms of work content, pay and opportunity for advancement. Listings of all the EEO-6 categories, related job groups and job classifications are on file in the Employment Practices Office.

3. **Work Force Composition by EEO-6 Categories**

A summary of the University's incumbent work force representation listed by EEO-6 category is on file in the Employment Practices Office.

4. **Work Force Composition by Job Group Summaries**

A summary of the University’s minority and female incumbent representation by the University’s job groups for each planning unit and a consolidation is on file in the Employment Practices Office**.** In these summaries, the minority and female mix is given in absolute numbers.

5. **Participation Rate Summaries**

Summaries of the incumbent minority and female representation by job group are on file in the Employment Practices Office**.** Herein, the mix is reflected in both their absolute numbers and related percentage rates. These participation rates indicate the percentage of employees, employed by the University, within each job group, who are protected class members.

6. **Work Force Analysis Summary**

An analysis of the University's work force by job classifications (titles) is on file in the Employment Practices Office. In the analysis, jobs are ranked from the lowest to the highest pay code. There are separate analyses for each department. Where there are separate lines of progression within a department, there are separate analyses for each progression line.

7. **Human Resource Activity Summaries (Applicant Flow, Hires, promotions, transfers, terminations, training participation, etc.)**

Summaries of employment activities (the prior and current plan years, summarized by each protected class) are on file in the Employment Practices Office**.** These summaries are used in

Sections V and VI to conduct and report the results of our selection rate (adverse impact) analysis.

**B. EXTERNAL DATA/CENSUS 2000 U.S.**

Labor Area, Recruiting Area and Comparison Jobs

To determine availability within normal University recruitment areas, the scientific Manpower Commission data source, Professional Women and Minorities, and the National Research Counsel's Office of Scientific and Engineering Personnel (OSEP) Summary Report, are used for job groups recruited on a national and regional basis. For job groups recruited locally, information is secured from census data for the State of Wyoming, U. S. Census Bureau, State and County Quick Facts, and for job groups normally filled internally, UW data on promotable and transferable employees is used. The recruiting areas for each of the major University employment categories are listed below:

Executive/Administrative National

Managerial National

Faculty National

Professional National, State, Local, and Internal

Secretarial/Clerical State, Local, and Internal

Technical/Paraprofessional State, Local, and Internal

Skilled Crafts State, Local, and Internal

Service/Maintenance State, Local, and Internal

## PROBLEM IDENTIFICATION

The data developed in **Section IV** is used to identify legitimate deficiencies. Tools and corrective measures that are used to address these deficiencies are presented in Sections **VI** and **VII.**

The Utilization Analysis contained herein is required by government regulations to be based on certain statistical comparisons.

Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate the University's agreement that the geographic areas are appropriate or that the sources of statistics are the most relevant. The use of such geographic areas and statistics is intended to have no significance outside the context of this Affirmative Action Program. Such statistics and geographic areas will be used, however, in total good faith with respect to this Affirmative Action Program.

All references to "underutilization" are made pursuant to OFCCP's regulations, and do not constitute an admission that minorities or women are in fact underutilized in any job group or EEO-6 category. Further, any statistical disparities in this analysis occur notwithstanding the University's good-faith efforts to recruit, hire, promote, transfer, and otherwise make all human resource decisions without regard to race, sex, age, color, national origin, religion, disability or any other non-job-related factor.

A. AVAILABILITY RATE ANALYSIS

The following factors are considered when determining availability and subsequently, to analyze utilization:

1. Percentage of minorities in population of labor areas surrounding the facility;
2. Percentage of women seeking employment in the labor or recruitment area of the contractor;
3. Percentage of minorities and women among unemployed in labor area surrounding facility;
4. Percentage of minorities and women work force as compared with total work force in the immediate labor area;
5. The general availability of minorities or females having requisite skills in the immediate labor area;
6. The availability of minorities or females having requisite skills in an area in which the contractor can reasonably recruit;
7. The availability of promotable and transferable minorities or females within the contractor's organization;
8. The existence of training institutions capable of training persons in their requisite skills;
9. The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities and women.

Underutilization is determined by comparing the total women and total minority figures to the model work force figures. Job groups, in which minorities and women are represented at less than their availability rate, are underutilized.

**B. UTILIZATION ANALYSIS**

The purpose of the Utilization Analysis is to profile where, and at what levels, women and minorities are employed at the University, and to determine if women and minorities are employed in all major job groups of the University in numbers, which reflect their availability. To accomplish this objective, the Utilization Analysis is divided into two parts: Work Force Analysis, and Major Job Group Analysis.

1. The Work Force is analyzed on a departmental basis. Within each department, all job titles are listed by supervisory unit. Each job title indicates the number of male and female incumbents by salary level within the following racial and ethnic divisions: Caucasian, Black, Hispanic, Asian/Pacific Islander and American Indian. (Non-U.S. citizens are included.) Tenure status is also indicated.

1. The major Job Group Analysis for administrative and staff positions arranges job titles in each EEO category, with the exception of faculty, into job groups with similar characteristics (i.e. work content, pay rates, and promotional opportunities.)

For faculty positions, each academic department is considered a job group.

**C. SELECTION RATIO/ADVERSE IMPACT ANALYSIS**

This is a statistical analysis that evaluates the rate of selection in hiring, promotion, transfer and termination. Selection rate analyses are used to determine if the selection rates for females and minorities are less than that of males and non-minorities. The statistical tests which are utilized are: (1) the 80% test; (2) standard deviation (3) Fisher's exact test or the Fisher Irwin test and (4) the chi square test.

**VI. GOALS AND TIMETABLES**

Goals and Timetables can be found in the Utilization Analysis of the Affirmative Action Program as it relates to administrative units.

**VII. COMPLIANCE COMMITMENTS**

The University complies with federal laws and regulations related to equal employment opportunity. Prominent among these is the following:

1. **THE CIVIL RIGHTS ACT OF 1964, TITLE VII**. This act prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.

1. **EXECUTIVE ORDER NO**. **11246**. This order was issued by President Johnson in 1965 to prohibit race discrimination by federal contractors and to require them to undertake "affirmative action" to employ and promote minorities. The Order was amended in 1967 to encompass women as well as minorities. The University of Wyoming adheres to the "General Guidelines" for implementing the Order as set forth in OFCCP's regulation at 41 CFR 60-1.
2. THE REHABILITATION ACT OF 1973. This act governs the rights of disabled individuals. Section 503 of the Act requires federal government contractors to undertake affirmative action to ensure that employment opportunities are provided to persons with disabilities. Section 504 prohibits discrimination in any program or activity receiving federal financial assistance.
3. THE VIETNAM ERA VETERAN READJUSTMENT ASSISTANCE ACT OF 1974.

This act requires government contractors and subcontractors to take affirmative action with respect to certain classes of veterans. Contractors also are required to prepare written affirmative action plans. The law also provides reemployment rights for individuals who leave their jobs to serve in the armed forces.

1. THE 1978 AMENDMENTS TO THE CIVIL RIGHTS ACT OF 1964. These amendments ban pregnancy discrimination.
2. TITLE IX OF THE EDUCATION AMENDMENTS OF 1972. Prohibits discrimination based on sex.
3. THE EQUAL PAY ACT OF 1973. Prohibits discrimination based on sex in the payment of wages.

**H. THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 AND SUBSEQUENT AMENDMENTS IN 1978**. Prohibits discrimination against individuals above the age of 40.

**I**. **AMERICANS WITH DISABILITIES ACT OF 1990.** Intended to assure the rights of individuals with disabilities to fair, non-discriminatory treatment in business dealings and government services. It recognizes that discrimination against people with disabilities occurs because of ignorance, prejudicial stereotypes, discomfort with human differences, fear and concern about imagined or potential costs and risks involved in making changes. The law prohibits discrimination based on disability in:

1. Employment—Title I

2. Public Service —Title II

3. Public Accommodations—Title III

4. Telecommunications—Title IV

The ADA affects private businesses as well as government programs, facilities and services at all levels, requiring that they make reasonable accommodations to enable individuals with disabilities to use facilities and services, and to take advantage of employment opportunities that are available to other Americans.

**J.** **CIVIL RIGHTS ACT OF 1991 (CRA).**  This reverses eight Supreme Court rulings that narrowed the scope and effectiveness of federal employment discrimination laws. This law strengthens the protection of discrimination laws and expands their remedies to provide adequate protection to job discrimination victims. The purpose of the CRA is to provide remedies for intentional discrimination and unlawful harassment in the work place; to codify the concepts of "business necessity" and "job related" as described by the U.S. Supreme Court in Griggs v. Duke Power Co., 3 EPD §8137, 401 U.S. 424,91 S Ct. 849 (1971) and other Supreme Court decisions prior to Wards Cove Packing Co. v. Antonio, 50 EPD §39021, 490 U.S. 642, 109 S Ct. 2115 (1989) to confirm statutory authority and provide guidelines for disparate impact lawsuits and under Title VII of the Civil Rights Act of 1964.

**K. EQUAL OPPORTUNITY STATEMENT—General Bulletin.** In compliance with the federal regulations, the University has adopted the following equal opportunity statement, which appears in the General Bulletin:

***"The University of Wyoming is an affirmative action/equal opportunity employer and institution and does not discriminate on the basis of race, sex, creed, color, age, national origin, individual disability, veteran status, or sexual orientation in any aspect of employment or services. The institution's educational programs, activities, and services offered to students and/or employees are administered on a nondiscriminatory basis subject to the provisions of all civil rights laws and statutes. Evidence of practices that are not consistent with this policy should be reported to the Employment Practices Office, (307-766-6721)."***

**L.** **EQUAL OPPORTUNITY STATEMENT—Other publications.** In all other publications the following equal opportunity statement is used:

***"Persons seeking admission, employment, or access to programs of the University of Wyoming shall be considered without regard to race, color, national origin, sex, age, religion, political belief, disability, veteran status, or sexual orientation."***

**M. EQUAL OPPORTUNITY STATEMENT—Position Announcements.** All position announcements must include the statement that the University is an Equal Employment Opportunity/Affirmative Action Employer. Posters are also placed at several locations on campus to advise individuals of their rights under these laws.

**VIII. GUIDELINES FOR PREVENTING SEX DISCRIMINATION**

**A. RECRUITMENT AND ADVERTISING**

The University of Wyoming actively recruits employees of both sexes for all positions. All benefited positions should be advertised, (See Appendix D and Appendix I).

Advertisements in newspapers, professional journals, and other media do not express a gender preference for the advertised position except where a bona fide occupational qualification exists. Advertisements are not placed in columns headed "Male" or "Female" but in columns related to job functions such as "Engineers", "Secretaries", "Electricians", etc.

Efforts are made to utilize the State Employment Resource Service as a recruitment source.

B. EMPLOYMENT POLICIES AND PRACTICES

1. The University of Wyoming's Human Resource policies expressly states that there shall be no discrimination against employees because of sex.

2. Employees of both sexes have an equal opportunity for any available position that he or she is qualified to perform, except where a bona fide occupational qualification exists.

3. No distinction based upon sex is made in employment opportunities, wages, hours, and contribution to fringe benefits, or other conditions of employment.

4. No distinction is made between married and unmarried persons of either sex. Employment is not denied to any person with young children.

5. Appropriate physical facilities exist for both sexes.

6. No female employee is denied the right to any job that she is qualified to perform in reliance upon a State of Wyoming "protective" law and no women are denied employment because of pregnancy.

7. The University of Wyoming provides family leave and medical leave in accordance with federal regulations and also provides a University sick leave policy. Leave for pregnancy is not designated as maternity leave. Pregnancy related disabilities are treated as any other medical disability. University of Wyoming employees may utilize sick leave credits under the University's Sick Leave Policy when they are absent due to illness, injury, pregnancy, and/or childbirth. Eligible employees may also utilize sick leave, vacation leave and leave without pay to cover any absences that qualify for medical leave entitlement under the federal Family and Medical Leave Act of 1993.

8. Employees utilizing leave for pregnancy and pregnancy related illness or disability will be reinstated to the same position without a reduction in pay or break in service or they may be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment if the leave is pursuant to the federal Family and Medical Leave Act.

9. Retirement policies are the same for men and women.

10. Distinction between job assignments is based upon individual capabilities and not upon sex.

11. Employees are entitled to twelve weeks of leave without pay under the federal Family and Medical Leave Act and may substitute their vacation leave for unpaid leave when the leave is for childcare purposes associated with the birth or placement of a child with the employee. The Family and Medical Leave Act provisions are incorporated in the University Regulations and the Staff Handbook. Non-tenured faculty members who take family leave may be granted, upon request, a one-year delay in their tenure clock. Academic professionals on probationary appointments who take family leave may be granted, upon request, a one-year delay in their extended term decision.

**IX. SEXUAL HARASSMENT POLICY**

University Regulation 42 clarifies the University policy relating to sexual harassment in the working and educational environment. It sets forth administrative procedures for handling claims of sexual harassment for all members of the University community.

The University is committed to protecting the rights and dignity of each individual. The University desires to create a work environment for faculty and staff and an educational environment for students that fosters career and educational goals based on factors such as ability and performance. Sexual harassment is subversive to the creation of this environment, and the University upon any finding of sexual harassment will take prompt remedial action.

The University Regulation defines sexual harassment as unwelcome physical or verbal conduct of a sexual nature by a University agent or employee that either conditions employment, employment benefits, academic standing or educational benefits on sexual favors, or creates an intimidating, hostile or offensive working or educational environment. Sexual harassment includes (1) unwelcome solicitation of sexual activity or other sex-linked behavior by promise of rewards; (2) inappropriate and offensive sexual remarks or behavior; (3) coercion of sexual activity by threat of punishment; (4) physical or verbal conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; and (5) sexual assaults.

It is a violation of University policy to:

1. Abuse the dignity of an employee or student through sexual harassment;

2. Threaten, demand, or suggest that an employee's work status or a student's academic status is contingent upon toleration of or acquiescence to sexual harassment; or

3. Retaliate against an employee or student for complaining about sexual harassment or coerce an employee or student into silence about an act of sexual harassment.

It is the responsibility of every administrative officer, dean, department head, supervisor, and all instructional personnel to strive to ensure a working and educational environment free of sexual harassment. Furthermore, the aforementioned individuals shall be obligated and held accountable to report the nature of a sexual harassment complaint to the Employment Practices Officer. In the event that confidentiality is a condition of disclosure, the contact person is responsible to notify the Employment Practices Officer of the general nature of the confidential complaint and request guidance and support in dealing with the issue. The Employment Practices Officer shall be responsible for monitoring all actions and complaints of sexual harassment from initial complaint to final disposition.

The University has established procedures for receiving reports and responding to instances of sexual harassment experienced by members of the University community. The procedures are outlined in University Regulation 42.

**X. RELIGION AND NATIONAL ORIGIN** **POLICY STATEMENT**

The University of Wyoming provides equitable treatment to all applicants and employees without regard to their national origin or religious convictions or observances. This applies to all employment relationships including recruitment, testing, selection, supervision, training, promotion, reassignment, transfer, termination, layoff, placement, rate of compensation, grievance, disciplinary action, leaves, and all other conditions, terms, and privileges of employment. It has been determined that neither national origin nor religion is a negative factor in any of the above-mentioned employment activities. Further, all reasonable attempts are made to accommodate employees whose work schedules may interfere with their religious practices so long as these accommodations do not violate the rights of other employees. The University reserves the right to consider business necessity, financial cost, and resulting human resource problems when attempting to make reasonable accommodations.

**XI. ACTION PROGRAMS SUPPORTED BY THE UNIVERSITY OF WYOMING**

The University of Wyoming encourages all deans, directors, department heads, faculty, staff and students to support local and national organizations whose objectives are the promotion of employment opportunities for women, minorities, veterans and the disabled. The University of Wyoming has supported the following organizations:

1. Wyoming Vocational Rehabilitation;

1. Laramie Senior Center;
2. SAFE Project
3. Women’s Center
4. Albany County Work Alternatives Program;
5. Ark Industries and Rehabilitation;
6. Wyoming Commission for Women;
7. Veterans Administration Center;
8. Wyoming Employment Security Commission;
9. Experienced Based Educational Programs;
10. Laramie High School;
11. Laramie County Community College (Cheyenne and Laramie campuses)

**XII. UNIVERSITY OF WYOMING CONSIDERATIONS OF WOMEN AND MINORITIES NOT CURRENTLY IN THE WORK FORCE**

The University of Wyoming contacts female and minority students having requisite skills but not yet in the work force through communications with high school placement officers. College placement centers are notified of open positions. University representatives are available to speak to and to lead group discussion whenever requested and tours of the University are scheduled for interested organizations. The latter service is often provided for groups of high school students.

**XIII. AFFIRMATIVE ACTION FOR THE DISABLED, DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, OTHER VETERANS, AND VETERANS’ SURVIVING SPOUSES**

The University includes the required affirmative action clause for the disabled (41 CFR, Sec. 60.741.4), and for disabled veterans (41 CFR, Sec. 60.250.5(a)) by reference on each of its covered contract and subcontracts or purchase orders.

The University invites disabled individuals, veterans (disabled veterans, Vietnam era, and others), and veterans’ surviving spouses, to identify themselves on staff and faculty recruitment forms.

The University reviews its employment practices on a periodic basis to ensure that veterans and disabled employees are being properly considered in all aspects of its employment practices including the following:

1. Recruitment and recruitment advertising

1. Hiring
2. Promotion and position upgrading
3. Demotion
4. Transfer
5. Layoff and termination
6. Pay and other forms of compensation
7. Participation in training programs
8. Insurance, Workers Compensation and benefits

The University reviews all aspects of its mental and physical job requirements to ensure that disabled employees are not denied employment opportunities by requirements, which are not specifically related to the job for which the person is being considered, are not consistent with business necessity, or are not consistent with safe performance of the job. In addition, any pre-employment exams given by the University must be job related and meet two conditions:

1. Results may be used only to determine whether applicants are able to perform the specific duties of the job for which they are being considered; and

2. Results of the medical exams must be kept confidential.

The University makes reasonable accommodations to the physical and mental limitations of qualified disabled workers and complies with all requirements of the Americans with Disabilities Act of 1990.

The University reviews its employment practices to ensure that required affirmative action is being provided for its disabled and veteran workers. Such action includes:

1. Developing a system of internal communications that will foster acceptance and support of the program;

1. Developing checks and audits to ensure that affirmative action measures are being fully implemented;
2. Actively recruiting through schools and training institutions, consumer groups, the Veterans Employment Representative (at the State Employment Service), JTPA (Job Training Partnership Act), vocational training programs, and any other source that can provide support and assistance (State vocational rehabilitation agencies are good sources for recruitment);
3. Including disabled persons in consumer, promotional, or recruitment advertising;
4. Obtaining the cooperation and understanding of subcontractors and unions, vendors, and suppliers;
5. Reviewing employees’ records to see if their abilities are being fully used and if they are available for promotion or transfer;

7. The University lists all suitable job openings with the Wyoming State Employment Resources Center as well as electronically on the Internet and reports on the number of disabled veterans and the veterans of the Vietnam Era hired.

###### XIV. ACCESS TO THE REPORT

The complete text of the University's Affirmative Action Plan is on file at Coe Library, the Employment Practices Office, the Human Resources Department, the offices of the President and Vice Presidents, Staff Council, Faculty Senate and Legal Division. It is available to all employees for review and will be updated on an annual basis, effective January of each calendar year.

**APPENDIX A**

**WORK FORCE ANALYSIS**

The Work Force Analysis is on file in the Employment Practices Office, in the Office of Human Resources and in Coe Library.

**APPENDIX B**

**STAFF AND ADMINISTRATIVE JOB GROUPS**

The Job Groups at the University of Wyoming are based on three (3) criteria:

1. Similarity of work content among jobs;

2. Similarity of compensation rates among jobs;

3. Similarity of promotional opportunities among jobs.

The similarity of job functions is drawn from the Position Authorization Description and Decision (PADD) on file at the Office of Human Resources.

The similarity of wage rates is based on salary grade assignments in the University's Compensation Plan rather than on incumbent salaries, which reflect significant variability due to longevity, related experience, etc. This grouping by pay grade allows for more accurate availability data to be collected, as applicants will most often be recruited at lower levels of the pay grade. Pay grades also accurately reflect the worth of positions within the University structure. This results in natural "clusters" of job classes requiring similar entry qualifications, generally, no more than five (5) pay grades reflected in any one job group which keeps the salary spread within a reasonable range. Exceptions to this are made to include single incumbent classifications at the low or high end of the group and/or to enlarge the job group so that meaningful availability data can be applied.

The similarity in promotional opportunities is also reflected in the job groups. For example, the positions in the Management Support Group may serve as a feeder to the Administrative Support and Administrative Management groups, although there is not a direct promotional line nor should one be construed.

This job group analysis complies with the requirements of applicable OFCCP regulations, has been prepared to conform with provisions thereof relating to utilization analysis and goal setting and should not be construed as any indication that the jobs listed in the same job groups are of comparable worth.

**APPENDIX C**

**SOURCES**

**Census 2000**

Data Source: Professional Women and Minorities, a manpower data resource service published by the Scientific Manpower Commission. April, 2000.

National Research Council's Office of Scientific and Engineering Personnel (OSEP) Summary Report 1998.

Wyoming Employment Security Commission

Wyoming Division of Research & Statistics

Department of Administration & Fiscal Control

Internal Applicant Flow Data—University of Wyoming Human Resources Department

Wyoming Census Data

**APPENDIX D**

**RECRUITMENT, SELECTION, AND HIRING GUIDELINES**

**APPENDIX D-1, "Staff Appointments, Affirmative Action Guidelines"**

**APPENDIX D-2, "Faculty and Administrative Appointments, Affirmative Action Guidelines"**

### APPENDIX D-1

### STAFF APPOINTMENTS

#### AFFIRMATIVE ACTION GUIDELINES

I. Definition: Staff appointments are appointments to designated benefited non-exempt and exempt staff positions (i.e., those positions that are included in the university’s classification and compensation program). The EEO-6 categories for these appointments are: Professionals (3); Secretarial/Clerical (4); Technical/Paraprofessional (5); Skilled Crafts (6) and Service/Maintenance (7). At-will positions generally carry the EEO-1 Executive Support designation. At-will staff positions (those not part of the university’s classification and compensation program) are included in Appendix D-2, Academic and Administrative Appointments.

II. Coverage: These guidelines apply to all benefited staff positions, except those which are for a duration of less than six months or are for less than half time (20 hours per week). Also excluded are departmental reassignments, although the person reassigned to a vacant position must be reported on the Affirmative Action Personnel Report.

III. Procedure:

1. HUMAN RESOURCES REQUEST: Obtain authorization to fill all continuing or temporary positions by submitting a Staff Personnel Request. Forward the Staff Personnel Request to the Office of Human Resources after all approvals are granted. Include in the "Minimum Qualifications" those criteria that are absolutely necessary to perform the job—education, training, experience, etc. These requirements should reflect those established in the Position Authorization Description and Decision (PADD) on file in the Human Resources Department. Include in the "Preferred Qualifications" those requirements, which you would like the selected employee to possess, but which are not absolutely crucial to the performance of the job. Establish a "closing date" to ensure fairness in the recruitment process (See C. ADVERTISING).

B. APPLICANT POOLS: All applications are submitted to the Human Resources Department. The hiring department can opt to have Human Resources screen applicants for minimum qualifications, or may request that all applications be forwarded to the hiring department. However, prior to arranging interviews, the hiring department must contact Human Resources, and Human Resources must approve interview candidates as meeting the minimum qualifications. Permission to contact references not listed by the candidate must be secured from the candidate prior to contacting.

1. ADVERTISING: Unless filled by internal promotion/transfer (see D, paragraph 5), all non-exempt positions must be advertised a minimum of ten (10) working days, and all exempt positions must be advertised a minimum of twenty (20) working days.

All applications and resumes from qualified applicants received through the closing date must be considered. Women, ethnic minorities, people with disabilities, and armed services veterans (disabled, Vietnam era, other veterans, and veterans’ surviving spouses) will be identified in accordance with Equal Employment Opportunity/Affirmative Action Guidelines.

The Job Opportunities Bulletin on the Human Resources Department web page is the official advertising tool for the University of Wyoming (Human Resources maintains this site). The Job Opportunities listing is posted in a hard copy at several campus locations in addition to the Human Resources Department. Employment opportunities are published in the Campus Pulse and copies are sent to appropriate local service agencies and to all Wyoming State Employment Offices. In addition, the Job Opportunities Bulletin is forwarded to colleges and universities in the region. Additionally, the Human Resources web page is further linked to several other employment web pages.

All advertisements must include the position title, position number, salary range (or hiring salary range), closing date for applications, name and address of contact person or search committee chairperson, and the statement that "The University of Wyoming is an Equal Opportunity/Affirmative Action employer." Departments that wish to advertise more extensively must attach copies of the advertisement to the Human Resources Request when submitting the Request to Human Resources.

All advertising efforts are circulated so that women, minorities and others in protected classes have an opportunity to apply.

Promotions/Transfers: Lines of Progression may not be organized in such a manner as to limit the promotional opportunities of exempt, non-exempt staff and at-will positions. Internal promotions/transfers can be limited to applications from currently employed, benefited employees within the appointing authority unit, or to currently employed, benefited UW employees. Positions which are filled via internal promotions and/or transfers (exempt and non-exempt positions) shall be advertised in the following manner:

1. Three (3) working days within the appointing authority unit (i.e., limited to currently employed, benefited employees within the appointing authority unit—deans, directors) or;
2. Five (5) working days within the university (i.e., limited to currently employed, benefited university employees.

E. FAILED SEARCHES: When a search has proven futile or when a hiring does not work out, a department may go back to the original pool of applicants up to eight weeks from the closing date. Additionally, the pool will be considered closed if there has been no activity for a period of 12 weeks.

F. EXCEPTIONS: Hiring departments may request exceptions to the university hiring guidelines and advertising process. However, the exception process is meant to be a privilege for departments that have extenuating circumstances that fall under the guidelines of: business necessity, target of opportunity, spousal accommodation, and retrenchment. All requests for exceptions are sent to the Employment Practices Officer/Affirmative Action Director for non-exempt, exempt, and at-will openings, and must include a supporting letter from the Dean/Director and the appropriate Vice President. See Appendix I for details.

G. COMPILING DATA (Affirmative Action Personnel Report): Upon receipt of the approved Staff Personnel Request, departments will be notified in writing by the Director of Human Resources if the position(s) is in a job group which is underutilized for women or minorities. Once the Staff Personnel Request is advertised, applications and resumes received from candidates interested in the positions are reviewed. Women and minorities applying for positions in job groups, which are underutilized, will be identified to the hiring department. All applications and resumes from qualified applicants received through the closing date must be considered. The names of all the applicants must be listed on the Affirmative Action Personnel Report. The AA Report is submitted to Human Resources, and Human Resources supplies a copy of the form to the Employment Practices Office.

H. APPLICATION RECORDS: Resumes and applications received, follow-up questionnaires or correspondence to the candidates, are all considered application materials. Applications and other material received through the recruiting efforts of the Human Resources Department are retained by the Human Resources Department for a period of three (3) years, unless applicants are otherwise notified. Resumes, applications, or other materials received or compiled by the appointing authority or search committee as a result of recruiting efforts, in addition to or independent of the Human Resources Department, shall also be retained in the appropriate administrative unit for a period of three (3) years, or forwarded to the Human Resources Department for retention.

### APPENDIX D-2

### FACULTY AND ADMINISTRATIVE APPOINTMENTS

**AFFIRMATIVE ACTION GUIDELINES**

1. Definitions:
2. Faculty appointments are appointments to positions of academic rank where the principal activities involve teaching, research, and/or public service activities and which are not otherwise designated as administrative or staff appointments. For purposes of this Plan only, Faculty Appointments include tenured and tenure-track Assistant Professors, Associate Professors, and Professors, and probationary/extended term Academic Professionals, and Extension Educators. The EEO category for these appointments is Faculty (2).
3. Administrative appointments are those positions that are primarily administrative in nature and are at-will. This category includes all non-classified positions (i.e., vice-presidents, deans, directors, and associate vice-presidents, deans, directors, department heads, etc.). The EEO category for these appointments is generally considered Executive or Executive Support (EEO-1 or EEO-2). Academic administrators usually are tenured in an academic unit, and when the administrative appointment is over, the administrator typically return to his/her tenured position.

II. Coverage: These guidelines apply to all **benefited** faculty, academic professionals, extension educators, directors, and administrators, with the exception of promotions and intradepartmental reassignments.

III. Procedure:

A. SEARCH COMMITTEES: Once a search committee has been designated, the following guidelines should be followed:

1. Select a Chairperson.
2. Appoint a member of the committee to serve as the Affirmative Action Officer. This person, and preferably one or more of the committee members, should meet with the Employment Practices Director early in the search process, before the ad is placed.
3. Departments can contact the Employment Practices Office for a listing of the most recent Women and Minority Doctoral Directory for their discipline.
4. Determine a search committee-meeting schedule.
5. Create a file (advertisement, screening criteria, “Dear Applicant” form, affirmative action summary report, letter of acknowledgement, etc.).
6. Determine a timetable for the search process.
7. Advertise the position (see sections B and C, below, for required affirmative action elements).
8. Acknowledge each application and send out "Dear Applicant" letter. Applicants are asked to return the “Dear Applicant” letter to the Employment Practices Officer.
9. Preliminary screening of applicants. Screening should follow criteria noted in the ad.
10. Begin compiling the Affirmative Action Summary Report.
11. Document reasons for rejection for those applicants screened out at this stage.
12. Review credentials of remaining candidates.
13. Conduct reference checks. *NOTE:* You must secure the candidate’s permission to check references not furnished by the candidate.
14. Once finalists are determined, but before they are contacted for interviews, the affirmative action officer or chairperson must contact the Employment Practices Office to determine if any of the candidates are in a protected status. If the hiring department is underutilized in any protected category, and a finalist is in that protected status, the department is encouraged to make an affirmative action hire.
15. Submit list of recommended candidates to the hiring official for permission to interview.
16. Once an offer has been made and accepted (or the search has been canceled), forward the Affirmative Action Summary Report, a copy of the ad, and a list of the recruiting sources to the dean or director for signature, the dean/director then forwards the packet to the Employment Practices Office.
17. Retain all applicant files within the hiring department for a minimum of three years.
18. The Affirmative Action Form, New Benefited Employees, is completed by the hiring department and new employees at the same time the PPR is completed.

B. POSITION ANNOUNCEMENT: After the hiring department receives authorization to fill a position, the search committee prepares the Position Announcement. There are certain affirmative action elements that are required in the announcement. These include the position title, position number, salary range, (or “salary is competitive”), starting date, opening and closing dates for receipt of resumes (or date when review of applicant files will begin), name and address of contact person or search committee, and the appropriate equal opportunity statement stating that the University of Wyoming is an Equal Opportunity/Affirmative Action Employer (see VII Compliance Commitments, sections K and L). It is important that the position be accurately described and the listed qualifications be appropriate to an expected successful job performance. When describing a position, include all major responsibilities; when listing qualifications, indicate the required educational level and necessary years (or type) of experience. It is strongly recommended that advertisements include minimum and preferred qualifications.

C. ADVERTISING: The announcement must be widely circulated so that women, minorities, and others in protected classes have an opportunity to apply. Sources, which have been successfully used, include, but are not limited to, professional journals, association publications, the appropriate academic departments in other colleges and universities, The Chronicle of Higher Education and The Affirmative Action Register. Academic and administrative openings must be advertised a minimum of thirty (30) calendar days prior to the closing date for receipt of applications. Please note that Human Resources will list vacancy announcements on the Human Resources web page free of charge—simply forward an electronic version of the ad to Human Resources.

D. REVIEW OF APPLICANT FILES: The search committee should acknowledge receipt of each application (and enclose a copy of the “Dear Applicant letter and EEO Data Form from the Employment Practices Office). Each application should be reviewed and screened based on qualifications compared to criteria listed in the position announcement. All applications from qualified applicants must be considered. References should be checked, but note that permission should be obtained from the applicant prior to contacting individuals not furnished by an applicant. Once finalists have been determined, the Employment Practices Office should be consulted to learn if any of the finalists are in a protected status (see Section F, below).

E. COMPILING DATA (Affirmative Action Summary Report): The hiring department is responsible for completing the Affirmative Action Summary Report. Signatures are requested by the department head and Dean (for academic units) or Director and Vice President (for non-academic units).

F. AFFIRMATIVE ACTION MONITORING: Each designated appointing authority involved in the recruitment, selection, and appointment of faculty members is responsible for complying with the affirmative action process, and each dean or director has primary monitoring responsibility within the college or other administrative unit over which he/she has authority. To establish a basis for affirmative action, every effort should be made to include minorities, women, and others from protected classes in the applicant pool. The University Employment Practices Officer/Affirmative Action Director is consulted once the finalists have been determined but before interviews occur, in order to ensure that affirmative action procedures are being properly followed regarding the Utilization Analysis.

G. GOALS AND TIMETABLES: Goals and timetables for hiring women and minorities in faculty positions are established for each college. To meet these goals and timetables, qualified women and minorities should be selected whenever possible.

H. REPORTS AND RECORDS: The appropriate department head or director is responsible for maintaining accurate information on those candidates who apply for University faculty positions. The following must be completed (examples are contained in Appendix F):

1. Dear Applicant/EEO Data form should be given to each applicant.

2. Affirmative Action Summary Report. This document must be forwarded to the dean or

Vice President for review and signature (signifying the search was conducted in accordance with established search guidelines) as soon as an offer has been accepted or the search has been canceled. The dean or Vice President then forwards this report to the Employment Practices Office.

3. The Affirmative Action Form for New Benefited Academic Personnel and Administrators must be completed for all new benefited non-classified employees, and forwarded to the Employment Practices Office.

4. Applicant Files: Resumes, applications, follow-up questionnaires or correspondence to the candidates. These files must be retained in the appropriate department or administrative unit for three (3) years.

I. EXCEPTIONS: Appendix I contains the University's exception policy.

**APPENDIX E**

**STAFF PERSONNEL FORMS**

1. Staff Personnel Request

2. Personnel Activity Summary

3. Affirmative Action Form (Also known as the "Blue Sheet")

**APPENDIX F**

**FACULTY AND ADMINISTRATIVE PERSONNEL FORMS**

1. Dear Applicant/EEO Data form

2. Affirmative Action Summary Report

3. Affirmative Action Form for New Benefited Employees

**APPENDIX G**

**UNIVERSITY OF WYOMING ORGANIZATIONAL CHART**

**APPENDIX H**

#### SELECTION P ROCESS/ADVERSE IMPACT ANALYSIS

The Selection Process/Adverse Impact Analysis is on file in the Employment Practices Office.

**APPENDIX I**

**EXCEPTIONS TO ADVERTISING POLICY**

Letter to Deans, Directors, Department Heads and Other Supervisory Personnel

**APPENDIX J**

**University Regulation #4**

**Civil Rights Complaint Procedure**

#### APPENDIX K

#### University Regulation #42

**Sexual Harassment**

**APPENDIX L**

**University Regulation #174, Revision 5,** Regulations Governing Staff Employees and Information Circular 1997-1, "Staff Classification/Compensation Plan