**Affirmative Action Program UPPS No. 04.04.04**

**Issue No. 11**

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**\*Sr. Reviewer: Associate Vice President for Human Resources**

**POLICY STATEMENT**

*Texas State University is committed to providing an equal opportunity and non-discriminatory environment to the public and establishing and maintaining an affirmative action program for the university.*

**01. DEFINITIONS**

Definitions contained below are taken from the following: [Title VI](https://www.justice.gov/crt/fcs/TitleVI-Overview) and [VII of the Civil Rights Act of 1964 (as amended)](https://www.eeoc.gov/laws/statutes/titlevii.cfm), [Executive Order 11246](https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm) and [11375](http://www.presidency.ucsb.edu/ws/index.php?pid=60553), [the implementing Revised Order No. 4](https://www.law.cornell.edu/cfr/text/41/part-60-2), [The Equal Pay Act of 1963](http://www.dol.gov/oasam/regs/statutes/equal_pay_act.htm), the [Rehabilitation Act of 1973](https://www2.ed.gov/policy/speced/reg/narrative.html), [The Age Discrimination in Employment Act of 1967](http://www.eeoc.gov/laws/statutes/adea.cfm), [Title IX, Americans with Disabilities Act Amendments Act of 2008](http://www.eeoc.gov/laws/statutes/adaaa.cfm), and other applicable federal and state regulations.

01.01 Affirmative Action – steps an employer takes to overcome inequities and ensure it affords employees and prospective employees equal employment opportunities in all aspects of employment. One such effect is often underrepresentation of minorities and females in relation to their availability in the job market.

01.02 Equal Employment Opportunity (EEO) – the employer’s duty to treat employees without regard to race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression.

01.03 Affirmative Action Plan – the document in which an institution commits to EEO and affirmative action and sets out the efforts it will make to ensure compliance with applicable laws and guidelines.

01.04 Affirmative Action Specialist – the individual at Texas State with primary responsibility for development, implementation, and evaluation of the university’s Affirmative Action Program.

01.05 Discrimination – intentional or unintentional acts with adverse effects on the employment opportunities of one or more individuals based on race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, gender expression, or other factors that, under particular laws, may not be the basis for employment actions.

01.06 Good Faith Efforts – an employer’s efforts to analyze employment and recruitment practices, design and implement a plan that identifies problem areas, implement measures to address the problems, and monitor the effectiveness of its program. The basic components of good faith efforts are:

1. outreach and recruitment measures to broaden candidate pools from which selection decisions are made to include minorities and women; and
2. systematic efforts to assure that selections thereafter are made without regard to race, sex, or other prohibited factors.

01.07 Parity – a condition achieved in an organization when the protected class composition of its workforce is equal to that in the relevant available labor force.

01.08 Underutilization or Underrepresentation – a situation wherein a lower number of protected class employees are represented than parity would predict. Once underutilization is quantitatively established, an employer must:

1. demonstrate that the underutilization is the legitimate effect of a *bona fide* occupational qualification or results from business necessity; or
2. develop an affirmative action program with specific, action-oriented steps to overcome this underutilization.

01.09 Work Force Analysis – a statistical analysis of the numbers and percentages of all employees by race, ethnicity, sex, or disability by EEO job category and level.

**02. COMMITMENT**

02.01 This policy has two purposes:

a. to detail Texas State University's policy of equal opportunity and non-discrimination in the provision of employment, education, and other services to the public; and

b. to establish the procedures and responsibilities for implementing the [Affirmative](http://gato-docs.its.txstate.edu/jcr%3A4fdb9a69-f149-47e0-9254-a9e3c112d1b2/Affirmative%20Action%20Timeline.pdf) Action Program at Texas State.

02.02 Texas State is committed to, and reaffirms support for, EEO and affirmative action and to non-discrimination in employment policies, practices, and procedures. As evidence of this commitment, Texas State will periodically examine all employment policies, practices, and procedures for impermissible discrimination on the basis of race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression. If the employment policies, practices, and procedures can be improved or if discrimination is found to be present, Texas State will immediately take such remedial action as is necessary to:

a. strengthen the policies, practices and procedures;

b. remediate the effect of such discrimination; and

c. ensure that the discrimination does not recur in the future.

Texas State’s commitment to the policy of affirmative action is intended to overcome the present effects of past discrimination and to balance the composition of the work force while providing EEO for all and affirmative action for members of groups that are, or have been formerly, underrepresented, consistent with the requirements and limitations of federal and state law and regulations. Affirmative action in all employment policies, practices, and procedures is required to be taken for women, racial and ethnic minorities, qualified veterans, and persons with disabilities. Affirmative action efforts are implemented in all employment policies, practices, and procedures including, but not limited to, the following: recruitment, employment, training, upgrading, promotion, demotion, layoffs (reduction in force), termination, and salary.

\*02.03 Each administrative officer and department head shares in the responsibility to achieve federal Affirmative Action Plan goals for the university.

02.04 In addition to this policy, the following university policies apply to affirmative action and the [EEO Program at Texas State](https://www.hr.txstate.edu/odc/course-offerings/courses/eeo-title-ix.html):

a. [UPPS No. 04.04.03, Staff Employment](https://policies.txstate.edu/university-policies/04-04-03.html)

b. [UPPS No. 04.04.11, University Classification and Compensation](http://policies.txstate.edu/university-policies/04-04-11.html)

c. [UPPS No. 04.04.46, Prohibition of Discrimination](http://policies.txstate.edu/university-policies/04-04-46.html)

d. [UPPS No. 04.04.60, Workplace Accommodation](http://policies.txstate.edu/university-policies/04-04-60.html)

e. [UPPS No. 07.07.03, Hourly Student Employment Procedures](http://policies.txstate.edu/university-policies/07-07-03.html)

f. [UPPS No. 07.07.06, Salaried Graduate Student Employment](http://policies.txstate.edu/university-policies/07-07-06.html)

g. [AA/PPS No. 04.01.04, Dean and Chair Hiring](http://policies.txstate.edu/division-policies/academic-affairs/04-01-04.html)

h. [AA/PPS No. 04.01.01, Faculty Hiring](http://policies.txstate.edu/division-policies/academic-affairs/04-01-01.html)

i. [Texas State University System Sexual Misconduct Policy](https://www.tsus.edu/about-tsus/policies.html)

**03. ANNUAL AFFIRMATIVE ACTION PLAN DEVELOPMENT PROCEDURES**

03.01 By November, the Affirmative Action Specialist will obtain institutional data. This data will provide a comprehensive list of all employees as of October 1 of that year, as well as the hires, transfers, promotions, and separations that occurred in the twelve months prior to that snapshot date.

03.02 By early spring, institutional data will be reviewed by the Affirmative Action Workgroup, which includes the Affirmative Action Specialist, the assistant vice president for Institutional Inclusive Excellence – Faculty and Staff Initiatives, designees from the Office of the Provost and vice president for Academic Affairs, designees from the Office of Human Resources, and will be chaired by the director of Talent Acquisition and Inclusion.

03.03 Once the data has been reviewed and approved by the workgroup, the Affirmative Action Specialist will analyze the data. The Affirmative Action Workgroup will review the results of the analyses and draft the affirmative active plan narrative document.

\*03.04 The affirmative active plan narrative document will be reviewed by the vice president and Chief of Staff and the President’s Cabinet before being published on the [Institutional Inclusive Excellence – Faculty and Staff Initiatives website](https://inclusion.txstate.edu/faculty-and-staff/) in the spring.

**04. REVIEWERS OF THIS UPPS**

\*04.01 Reviewers of this UPPS include the following:

Position Date

Associate Vice President for June 1 E2Y

Human Resources

Chair, Faculty Senate June 1 E2Y

Chair, Staff Council June 1 E2Y

**\*05. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Human Resources; senior reviewer of this UPPS

Executive Vice President for Operations and Chief Financial Officer

President