01. POLICY STATEMENT

01.01 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 Action/Recruitment Plan at Texas State.

02. COMMITMENT

02.01 Texas State reaffirms its good faith efforts and commitment as an equal opportunity employer to:

a. provide employment and educational opportunities that will result in a diverse employment force and student body; and

b. identify and eliminate employment practices and institutional policies that illegally discriminate against persons on the basis of race, color, national origin, age, sex, religion, disability, veterans' status, sexual orientation, gender identity, and gender expression. Equal employment opportunities (EEO) shall include: personnel transactions of recruitment, employment, training, upgrading, promotion, demotion, layoffs (reduction in force), termination, and salary.

02.02 Each administrative officer and department head shares in the responsibility to achieve affirmative action and diversity goals for the university.

02.03 In addition to this policy, the following university policies apply to affirmative action and the EEO Program at Texas State:

UPPS No. 04.04.03, Staff Employment
03. DEFINITIONS

Definitions contained below are taken from the following: Title VI and VII of the Civil Rights Act of 1964 (as amended), Executive Order 11246 and 11375, the implementing Revised Order No. 4, The Equal Pay Act of 1963, the Rehabilitation Act of 1973, The Age Discrimination in Employment Act of 1967, Title IX, Americans with Disabilities Act Amendments Act of 2008, and other applicable federal and state regulations.

03.01 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.

03.02 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, and gender expression.

03.03 Affirmative Action/Recruitment 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.

03.04 Chief Diversity Officer and Director of Equity and Access – the individual at Texas State University with primary responsibility for development, implementation and evaluation of the university’s Affirmative Action/Recruitment Plan.

03.05 Discrimination – intentional or unintentional acts with adverse effects on the employment opportunities of one or more individuals because of 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.

03.06 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.

03.07 **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.

03.08 **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 (BFOQ) or results from business necessity; or 2) develop an affirmative action program with specific, action-oriented steps to overcome this underutilization.

03.09 **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.

04. **REVIEWERS OF THIS UPPS**

04.01 Reviewers of this UPPS include the following:

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<tr>
<th>Position</th>
<th>Date</th>
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<tr>
<td>Chief Diversity Officer and Director, Equity and Access</td>
<td>June 1 E2Y</td>
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<td>Assistant Vice President for Human Resources</td>
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<td>Chair, Faculty Senate</td>
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<td>Chair, Staff Council</td>
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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.

Chief Diversity Officer and Director, Equity and Access; senior reviewer of this UPPS

Special Assistant to the President

President