

POLICY #5.3

SUBJECT: Equal Employment Opportunity and Affirmative Action

I. PURPOSE

To reaffirm and restate the University's continuing commitment to the principles of equal employment opportunity, and to provide for implementation of affirmative action compliance obligation to the extent applicable, all as required to implement applicable laws but not to confer any additional rights.

II. REFERENCES

- A. *Americans with Disabilities Act* of 1990, 42 U.S.C. § 12101 (1990) (as amended by Pub. L. No. 101-336, 104 stat. 327)
 - B. Title VII of the *Civil Rights Act* of 1964 (Title VII), 42 U.S.C. § 2000e (1964)
 - C. Title IV of the *Higher Education Amendments Act* of 1972 (Title IV) 20 U.S.C. § 1681 (1972)
 - D. Title VI of the *Higher Education Amendments Act* of 1972 (Title VI) 20 U.S.C. § 1681 (1972)
 - E. *Rehabilitation Act* of 1973, 29 U.S.C. § 504 (1973)
 - F. Southern Utah University [Policy 5.2 Employees with Disabilities](#)
 - G. Southern Utah University [Policy 5.21 Procedures for Hiring New Staff Employees](#)
 - H. Southern Utah University [Policy 5.27 Non-Discrimination / Anti-Harassment](#)
 - I. Southern Utah University [Policy 5.60 Sexual Misconduct](#)
 - J. Southern Utah University [Policy 11.9 Accommodations for Students with Disabilities](#)
 - K. [U.S. Executive Order 11246](#)
 - L. Utah Board of Higher Education [Policy R805 Gender, Race, and Ethnicity Representation within the Utah System of Higher Education Workforce](#)
 - M. Utah Code § 34A-5-101 et seq. *Utah Antidiscrimination Act*
 - N. Utah Code § 63G-2-101 et seq. *Government Records Access and Management Act (GRAMA)*
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III. DEFINITIONS

N/A

IV. POLICY

- A. Equal Opportunity and Non-Discrimination. Southern Utah University adheres to the principles of equal opportunity and diversity in employment and education. The University's equal opportunity statement is found [here](#), which the University follows. All qualified applicants will receive equal consideration for employment and admission in accordance with the equal opportunity statement.
1. This Policy applies to all employment practices, including:
 - a. recruiting, hiring, training, upgrading, promoting, and transferring;
 - b. compensation and benefits;
 - c. conditions and privileges of employment; and
 - d. discipline, layoff, and termination.
 2. Furthermore, the University will provide qualified applicants and employees who request an accommodation due to a disability with reasonable accommodation, as required by law. See SUU [Policy 5.2](#) and [Policy 11.9](#).
 3. The University describes and implements its anti-discrimination prohibitions through its anti-discrimination policies, [Policy 5.27](#) and [Policy 5.60](#).
 4. The University's Policy and commitment to equal employment opportunities will be displayed on recruitment sources through its non-discrimination/EO statement, within its discretion or when otherwise required by law.
- B. Non-Retaliation. The University also prohibits retaliation against any employee or student who engages in protected activities related to equal opportunity, as set forth in Policies [5.27](#) and [5.60](#).
- C. Affirmative Action Program (AAP).
1. The University maintains an Affirmative Action Program if and to the extent required by and in accordance with applicable laws or otherwise within its discretion. The University aims to recruit, employ, and advance qualified individuals from underrepresented populations for the purpose of maintaining a staff that reflects the demographic diversity of the available workforce in relevant job markets from which the University draws prospective employees.
 2. The University's AAP seeks to increase diversity in the workforce, consistent with availability, through outreach, recruitment, and elimination of barriers to equal employment opportunity while prohibiting preferences and quotas.
 3. These actions may include:
 - a. posting job announcements to a variety of outlets on general career and/or industry-specific sites;

- b. publishing job announcements in forums or periodicals that maintain a diverse readership and attending related job fairs and career events;
 - c. contacting professional associations and community-based organizations; and
 - d. participating in mentoring programs.
- D. Affirmative Action Plan. The affirmative action plan, when in effect, is aimed at providing data to evaluate the University's employment outreach and recruiting efforts with regard to the percentage of women, racial and ethnic minorities, individuals with disabilities, and veterans employed throughout the University, as required by law. Based on these percentages, the University can identify areas where it can improve its affirmative action outreach and recruiting efforts, while complying with anti-discrimination laws and [SUU Policy 5.27](#).
- E. Affirmative Action Program Director; Recommendations for Recruiting and Outreach Efforts; Protection of Confidential Records.
 - 1. The Director of the Office of Equal Opportunity administers the Affirmative Action Program and Plan, as/if applicable. In coordination with Human Resources, the Director shall provide leadership of the Program and suggestions for unit leaders related to improving affirmative action outreach and recruiting efforts, informed by past data, such as analysis of hiring of persons in categories addressed by the affirmative action plan, evaluation of recruitment and recruitment sources, review of promotions and transfers, review of increase or decrease of applicable persons in the workforce, and identification of problem areas or other hurdles particular to a unit.
 - 2. The University protects and controls the release of data compiled from the personnel files on the nature and composition of University employees, including such factors as race, sex, and age, especially when linked or linkable to names in order to prevent the invasion of privacy and comply with applicable law. While the Director of the Office of Equal Opportunity shall have access to information from personnel records for the preparation of reports and analyses, any release of these data and reports shall be restricted as required by law and on a need-to-know basis to Human Resources, unless otherwise approved by the Director or the University President—and in accordance the confidential and protected status—or otherwise required by law.
- F. Managers and Supervisors. Managers and supervisors are required to cooperate with the Director and Human Resources to ensure compliance with this Policy and the affirmative action programs, as applicable, including implementing suggestions for affirmative action outreach and recruiting efforts.

V. RELEVANT FORMS/LINKS

N/A

VI. QUESTIONS/RESPONSIBLE OFFICE

The responsible office for this Policy is the [Vice President for Finance](#). For questions about this Policy, contact the [Office of Equal Opportunity](#). The Director of the Office of Equal Opportunity is responsible for coordinating compliance with any applicable affirmative action legal obligations, with input and assistance from the [Office of Human Resources](#).

VII. POLICY ADOPTION AND AMENDMENT DATES

Date Approved: July 27, 1990

Amended: [July 1, 1998](#); September 23, 2022

FORMER POLICY
DO NOT USE