NORTH CAROLINA SCHOOL OF
SCIENCE AND MATHEMATICS

EQUAL EMPLOYMENT OPPORTUNITY
PLAN
FOR SPA EMPLOYEES

March 1, 2010
# NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS
# EQUAL EMPLOYMENT OPPORTUNITY PLAN FOR SPA EMPLOYEES

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I. ADMINISTRATION OF THE EQUAL EMPLOYMENT OPPORTUNITY PLAN

A. STATEMENT OF THE EQUAL EMPLOYMENT OPPORTUNITY STATE POLICY

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, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation. In furtherance of this policy, the State of North Carolina and its various sub-divisions shall:

(1) recruit, hire, train, and promote persons in job classifications without regard to race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation;

(2) base hiring and promotion decisions upon valid requirements and criteria which are related and necessary to perform the essential functions of the job;

(3) administer all employment practices including compensation, benefits, tuition assistance, training, transfers, reduction in force, terminations and demotions objectively without regard to race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation;

(4) provide, when necessary, reasonable accommodations to applicants’ and/or employees’ disabilities when doing so will enable them to successfully perform the essential functions of the job or benefit from training;

(5) prohibit retaliatory actions against employees or applicants for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination; and

(6) assure a work environment free from discrimination.
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B. NCSSM BOARD OF TRUSTEES POLICY STATEMENT

The North Carolina School of Science and Mathematics (NCSSM) is committed to equality of opportunity and does not discriminate against employees and applicants for employment on the basis of race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation, or other personal characteristics not relevant to valid decision making or to an individual’s performance. Decisions on employment are based on valid position requirements consistent with performance of the essential functions of the job so as to further the principles of Equal Employment Opportunity.

Our Policy requires Equal Employment Opportunity throughout the organization in accordance with Title VII of the Civil Rights Act of 1964, Executive Order 11246, Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991. It prohibits retaliatory actions against an 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.

NCSSM ensures that recruitment, selection, hiring, compensation, promotion, training, performance evaluation and transfer decisions promote the principles of Equal Employment Opportunity. NCSSM also ensures that all employment practices such as compensation, benefits, transfers, layoffs, return from layoff, terminations, performance evaluations, school-sponsored training, education, tuition assistance, social and recreational programs will be administered without regard to race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation, or other personal characteristics not relevant to valid decision making or to an individual’s performance. NCSSM will provide reasonable accommodations to disabled employees and applicants.

Responsibility for the Equal Employment Opportunity Program has been assigned to the Director of Human Resources and the Diversity/Equal Employment Opportunity Committee. All vice chancellors, directors, deans and supervisors share in this responsibility and are assigned specific responsibilities.

Management performance on this program is evaluated as is performance on other NCSSM objectives. The Equal Employment Opportunity Program will be monitored and revised on an annual basis.

Approved by the Board of Trustees
May 26, 1989
Revised March 5, 1999
II. RESPONSIBILITY AND ACCOUNTABILITY FOR IMPLEMENTATION

A. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM RESPONSIBILITY

NCSSM’s Equal Employment Opportunity Program is administered by a director-level senior administrator who keeps the Chancellor informed regularly. The Chancellor has the overall responsibility of assuring that the EEO Officer is responsible for a continuing commitment to equal employment opportunity at all levels of the organization. This responsibility includes the development of policies, systems and procedures to facilitate equal employment opportunity. Responsibility for the Equal Employment Opportunity Program has been assigned to the Director of Human Resources and the Diversity/Equal Opportunity Committee appointed by the Chancellor. All vice chancellors, directors, deans and supervisors share in this responsibility. Management performance on the Equal Employment Opportunity Program is evaluated as is performance on other NCSSM objectives.

Vice chancellors, directors, academic deans and supervisors are encouraged to participate in the following programs and other initiatives when appropriate:

1. Assist in the identification of problem areas and establishment of division and unit goals and objectives.

2. Make every effort to achieve program objectives and maintain a diverse workforce.

3. Participate in local minority organizations, women’s organizations, community action groups, and community service programs, as appropriate.

4. Audit training programs, hiring and promotion patterns to remove impediments to the attainment of program objectives and to assist the EEO Officer in evaluation of the effectiveness of the program.

5. Initiate regular discussions with other managers, supervisors, and employees to be certain the employer’s policies are being followed.

6. Review qualifications of all employees to insure that minorities, women, veterans and qualified individuals with disabilities, along with all underrepresented groups are given full opportunities for selection and promotions.

7. Counsel employees about career opportunities within the institution.

8. Prevent and correct workplace harassment of employees.

9. Provide a work environment which supports equal opportunity.

B. EQUAL EMPLOYMENT OPPORTUNITY OFFICER RESPONSIBILITY

The EEO Officer is responsible for the following actions, programs and other initiatives as required:

1. Monitors continuously the administration of the Equal Employment Opportunity Plan. The monitoring process covers recruiting methods, initial appointments, promotions,
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reclassifications, transfers, demotions, reappointments and salary-setting actions. These decisions and actions are documented through a recruitment log to permit required monitoring.

2. Interacts with management to interpret and apply federal and state laws, regulations and guidelines involving equal employment opportunity; develops policy statements, and affirmative action programs that are in compliance.

3. Assists in the identification of any problem areas, such as difficulty in fulfilling program objectives in a timely manner.

4. Assists management in setting program objectives and timetables and developing programs to achieve these objectives.

5. Reviews employment recommendations by vice chancellors to insure that underrepresented groups have been considered for job groups with program objectives.

6. Designs and implements audit and reporting systems that:
   a. collect and analyze workforce utilization data;
   b. measure effectiveness of the school’s programs;
   c. identify areas where further action is required; and
   d. coordinate training in EEO regulations, diversity and workplace harassment prevention, and to assure EEO posters are properly displayed.

7. Receives complaints and concerns from individuals and groups with respect to personnel actions alleged to have been based on discrimination in regard to race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation and to advise and assist such complainants in the handling of such complaints.

8. Serves as liaison between NCSSM and enforcement agencies.

9. Serves as point of contact with organizations representing women, minorities veterans and individuals with disabilities.

10. Keeps management informed of latest developments in equal opportunity laws and regulations.

11. Serves as staff to the Diversity/Equal Opportunity Committee.


13. Insures that a copy of the School's Equal Employment Opportunity Plan is available for inspection in the Office of Human Resources and on the Office of Human Resources webpage.

C. DIVERSITY/EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMMITTEE RESPONSIBILITY

The Diversity/EEO Committee is composed of at least three members, including both management and non-management personnel. When possible, protected group members (minorities, women, veterans and individuals with disabilities) will be included. Committee members are appointed by the Chancellor at the beginning of each academic year and are
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published to the community on an annual basis. The Director of Human Resources/EEO Officer meets with the Committee to review the Equal Employment Opportunity Plan, program objectives and any special projects for the committee.

The Diversity/EEO Committee have their essential roles in the achievement of equal employment opportunity. They serve as channels of information on problems and solutions.

This committee is a review and recommending body. Duties include, but are not limited, to the following:

1. review and evaluate the existing Equal Employment Opportunity Plan;
2. make recommendations to EEO Officer about policy changes and additions;
3. review statistical data on the School’s workforce focusing on the race and gender composition in each job category and make the appropriate recommendations;
4. survey the organizational climate and employee attitudes and make appropriate recommendations;
5. identify recruitment sources, programs for career mobility, etc.;
6. serve as a communication link between managers and employees regarding EEO issues, including diversity training; and
7. coordinate programs and activities to increase diversity awareness at NCSSM.

Departments are responsible and accountable together with the EEO Officer, the EEO Committee, the Office of Human Resources and NCSSM for meeting equal employment opportunity goals designed to eliminate the under-utilization of qualified minority, female and disabled employees and the barriers to equal opportunity that cause under-utilization. It is the responsibility of the Office of Human Resources to act in effective support of the equal employment opportunity goals.

III. DISSEMINATION OF POLICY

The commitment to equal employment opportunity and affirmative action is disseminated on a regular basis to employees of the North Carolina School of Science and Mathematics (NCSSM) through the following means: formal new employee orientations, employee meetings, the NCSSM Handbook, the NCSSM Intranet, the poster program, and supervisory training and information sessions.

Each employee has available to them through the NCSSM Intranet, the Equal Employment Opportunity (EOO) policy, and the grievance and appeal procedures. The complete Equal Employment Opportunity (EOO) plan document is available for review in the Office of Human Resources and on the NCSSM UniCenter.

The policy statement “Equal Employment Opportunity Employer” is communicated to the public through the external newsletters, purchase orders, contracts, applications for employment and advertisements for open positions.

NCSSM makes available to all recruiting sources, minority, veterans’ and women’s organizations, community agencies and prospective employees the School’s Equal Employment Opportunity program. The Equal Employment Opportunity Plan is available for anyone to see during regular business hours.
The School’s Purchasing Manager notifies all subcontractors, vendors and suppliers of the HUB policies of the NC Division of Purchase and Contract.

All facilities are desegregated. Minority, female employees, veterans and qualified individuals with disabilities are afforded equal opportunity and are encouraged to participate in all School-sponsored educational, training, recreational and social activities.

IV. INSTITUTIONAL GOALS FOR STAFF RECRUITMENT AND PROMOTION

While numeric equal employment opportunity goals are not required in many SPA occupational categories due to past successful efforts to attract qualified minorities and women, the lack of legal numeric goals does not diminish the continued commitment to Equal Employment Opportunity through hiring and promotion. Although short term goals have been set to correspond with the statewide availability data for SPA positions and EPA faculty, NCSSM has a long term goal of increasing faculty representation to at least match the demographics of the diverse student body. Through targeted advertising and each hiring committee’s awareness of needing a diverse population, achieving this goal is a priority.

V. Annual Achievements

A. Recruitment Efforts

In an effort to attract a diverse pool of minority and women applicants, the Office of Human Resources assists hiring departments in identifying locations for advertising positions for recruitment.

In order to increase the pool of qualified minorities and women, the following recruitment activities are implemented during the academic year:

♦ Human Resources communicates with representatives from area schools, colleges and universities to advertise and recruit for potential candidates.

♦ Human Resources plans yearly to attend and/or participate in Job Fairs for Minority Recruitment.

♦ The Admissions Office assists the Director of Human Resources in recruitment of minorities by attending area career fairs, and establishing contacts with qualified minorities through NCSSM alumnae, parents and others with NCSSM connections.

♦ The Director of Human Resources and the Vice Chancellor for Academic Affairs targets advertising to minorities and predominantly minority educational institutions for faculty positions.

B. Diversity Training

Based on recommendations by the Independent Commission on Fairness and Diversity appointed by the Board of Trustees in 2000, the School began a program of ongoing diversity training to increase awareness of equal opportunity issues. The School has made a commitment to mandatory school wide training or dissemination of policies. At the beginning of each academic year, all staff are advised of relevant policies.
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VI. PROCEDURES AND PROGRAM ACTIVITIES

A. Recruitment and Advertisements

NCSSM strives to actively recruit from a variety of sources to achieve a diverse workforce that successfully meets the needs and demands of the school. The hiring manager, with assistance and guidance from the Human Resources staff:

- Assess the need for a position to ensure it contributes to meeting the goals, objectives, and mission of the work unit;
- Conduct job analysis, including a review of the duties and responsibilities of the position, as well as the qualifications required for successful performance; and
- If necessary, revise the position description and/or performance management work plan.

Job analysis is necessary only when there is a change in the duties and responsibilities that impacts the qualifications required. If a current, accurate job analysis already exists for a given job type, there is no need to conduct an analysis for each vacancy.

The hiring manager and Human Resources work together to assure that the critical tasks (essential functions), knowledge, skills and abilities, training and experience requirements necessary for successful performance of the duties of the position are identified. The knowledge, skills and abilities described in the class specifications developed by the Office of State Personnel may be used for recruitment and selection purposes.

NCSSM follows the recruitment policies of the Office of State Personnel, posting a position for no less than 10 calendar days or 7 working days on the NCSSM Website and the Office of State Personnel's Website. Each job posting includes a closing date which is determined by the hiring department. Applications are pre-screened by Human Resources for eligibility based on the state’s minimum education and experience requirements of the classification. The under-represented group for the classification is identified by Human Resources and provided to the hiring manager when the qualifying application packet is submitted to the hiring manager for consideration. The under-represented group information is provided to the hiring manager for the purpose of assisting in a selection when there are equal but diverse candidates.

The hiring manager does not receive the Applicant Log which is attached to the State Application, on which the applicant voluntarily notes his or her sex, birth date, ethnic background and citizenship status. The Applicant Log includes a statement that the Federal Government requires the School to monitor and produce certain data for reporting purposes. It assures the applicant the Applicant Log will be removed and “not forwarded to any employing department.” It also makes clear that “this information will not be used in making any decision affecting hiring or any personnel action following employment.” The Application Log is retained in the recruitment file retained in Human Resources.

The hiring manager/committee reviews all eligible applications to select applicants to be interviewed, being mindful of special priority considerations established by the Office of State Personnel, such re-employment (layoff) priority, veteran’s preference or return from workers compensation. While no requirement exists indicating the specific number of interviews a department must conduct when making a selection, the Office of Human Resources recommends that a minimum of three of the most qualified candidates be interviewed for the vacancy. The hiring manager/committee determines any selection tools(s) that will be used in the final evaluation process. Some examples of selection tools include structured interviews.
and skills test. Reference checks are required. From this process, the hiring manager/committee selects the most qualified candidate.

An important foundation for recruitment is the processing and maintenance of the Application for Staff Employment. A completed application is required for each vacancy for which an applicant desires consideration. The application remains active until the corresponding position is filled or cancelled. Applications must be received by 5 p.m. on the specified closing date to be considered.

Applications that are not complete will not be considered. A complete application must contain:

- Complete information on education and all work experience; this includes dates and, if part-time, number of hours worker per week,
- Complete personal information, including demographic information, veteran’s preference eligibility, nepotism information, and information about criminal convictions;
- A signature or its electronic equivalent when submitted by email.

If no applicants clearly exceed the minimum qualifications, the hiring department may consider the existing applicants to be the most qualified applicant pool. Or, the hiring department may choose to extend the closing date in additional increments up to 60 days, should the initial recruitment efforts not generate sufficient applications. Any applications received after the initial closing date and prior to 5 p.m. on the new closing date would be considered for referral.

Advertisements:

All positions in recruitment are posted on the NCSSM Job Posting Boards across campus, in the Office of Human Resources, on the websites of NCSSM, UNC General Administration and the Office of State Personnel.

NCSSM actively recruits minority and women applicants by advertising in the following media, as appropriate:

- The Chronicle of Higher Education
- The News and Observer – Newspaper and N & O Website including Triangle Jobs. com
- The Herald Sun
- Greensboro Chronical
- NCSSM Alumnus Listserv
- Specific College and University Newsletters
- Other media based on type of position being recruited

Applicant referral sources are set up with the following organizations to assist NCSSM in recruiting qualified minority and women applicants:

- State Director of AAP/EEO, Raleigh, NC, (919) 733-7934
- Employment Security Commission, Durham, N. C., 683-4121

B. Selection and Hiring

Using procedures consistent with the principles and goals of equal employment opportunity, the Director of Human Resources is responsible for the recruitment, preliminary screening and referral of applicants for permanent positions. The hiring manager and Vice Chancellor of the department initiating the recruitment have the final selection authority. The final selection is based on the approval of the Chancellor.
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The recruitment and selection process will comply with all Federal and State laws, regulations and policies and will give equal employment opportunity to all applicants, without regard to race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation. The final selection decision will be made from among the most qualified applicants, which includes applicants with re-employment priority.

After selecting an applicant for hire, the hiring manager is responsible for documenting the selection process, justifying the job-related reasons for the selection and record the decision by specifying the selected applicant on the Selection Report. In addition, the hiring manager must document the specific reasons for non-selection of all other applicants referred, using the standard Non-Selection Reasons Checklist. When complete, the Selection Report is forwarded to the Office of Human Resources for job offer processing and for record retention.

The Office of Human Resources maintains supporting documentation of the recruitment and selection process to provide fact-based information for monitoring and evaluating recruitment and selection practices and procedures of the hiring departments.

Selection standards for promotions and transfers will conform to the EEO selection guidelines. Procedures used in the above process are based upon fair assessment of an employee’s ability to perform the essential functions of the job and prior work record.

C. Job Structuring

The Office of Human Resources administers Human Resources policies covering salary for new appointments, promotions, reclassification, demotions and re-appointments. The Office of State Personnel exercises administrative control for the State’s established classification system.

The hiring department is responsible for the assignment of duties and responsibilities to positions and for changes to duties and responsibilities to meet the departments mission and goals. The Director of Human Resources works with the department when conducting detailed analyses of position descriptions to insure that they reflect essential functions of the job and are accurately classified. The policy requires that the department prepare and submit to Human Resources a description of the position. A review of the job description determines the appropriate classification based on the State’s Classification System. The qualifications of any particular employee are not considered in classifying a position.

Departments have the fundamental responsibility for maintaining accurate position descriptions with respect to actual and essential duties performed for each position. Worker specifications by division and job title are reviewed using job performance to ensure that requirements are job related and do not constitute inadvertent discrimination.

The State’s Classification System provides career ladders within job families that offer reclassification and promotional opportunities for internal employees. As positions become available for recruitment, internal employees are encouraged to seek promotional opportunities.

D. Training Programs

All managers and supervisors are informed and aware that NCSSM is an Equal Employment Opportunity employer. Manager and Supervisory training on Policies and Procedures is offered by Human Resources and attendance is encouraged. One-on-one training is provided to managers and supervisors regularly. All NCSSM faculty, staff and administrators are required to participate in the ongoing diversity training program.
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Selection standard guidelines are forwarded to all personnel involved in the recruiting, screening, selection, promotion, and training decisions to insure that the principles of equal employment opportunity are followed in all personnel decisions.

All employees have an equal opportunity to attend training programs and seminars that are related to their current position or will enhance their advancement in the classification structure. Statistics are maintained on employees attending training programs offered at NCSSM for EEO purposes.

All permanent employees are eligible to participate in NCSSM’s tuition reimbursement program. Employees are encouraged to enroll in work-related courses at any university or technical college of their choice.

NCSSM encourages cross-training within and across departments, which provides opportunities for employees to increase their skills and abilities for promotions within NCSSM and the state system.

E. Promotion and Transfer

Due to the small staff pool, promotions and transfers are limited for NCSSM employees. In the event of turnover, it is state policy to give priority to current state employees over external candidates. Open positions are posted externally and internally in locations across campus and on the School’s Intranet (for a minimum of 10 calendar days or 7 working days in accordance with the Office of State Personnel’s guidelines). All promotions are obtained by the progression set forth by the Office of State Personnel’s classification structure.

F. Performance Appraisal

All new SPA employees receive a work planning meeting with their supervisor within 30 days of hire. Each performance management cycle, employees participate in a work planning meeting with their supervisor to discuss essential job duties or changes in job duties. On an annual basis each employee receives an interim review midway through the performance management cycle and a complete performance appraisal at the end of the cycle.

Performance is evaluated using criteria developed by the employee and supervisor at the beginning of the cycle. The North Carolina rating scale is followed in evaluating performance.

The Performance Management Policy with Work Plan and Performance Evaluation templates are located on the NCSSM Intranet.

G. Grievance and Disciplinary Procedures

The NCSSM grievance procedure is available for employees who feel that they have been wrongfully discriminated against based on NCSSM policy. In the case of a grievance alleging unlawful discrimination based on race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation, the employee may appeal directly to the State Personnel Commission or the Equal Employment Opportunity Commission (EEOC). Grievances alleging discrimination based on sexual orientation are limited to the NCSSM internal grievance procedure.

Disciplinary procedures follow state guidelines and are administered in a non-discriminatory manner. The Director of Human Resources, along with managers and supervisors, provides counseling and information about these procedures for employees with EEO concerns.
The Grievance Policy and Procedures is located on the NCSSM Intranet.

H. Separations and Transfers

The Office of Human Resources conducts exit interviews with employees who are separating from state employment or transferring to another agency. The employee is offered the opportunity to complete an Exit Interview Questionnaire where the data is used to alert management if any discriminatory conditions exist that may require immediate attention.

I. Compensation and Benefits

Compensation is based on a fair and equitable procedure that takes into account the education and experience of the applicant for placement above the hiring rate of the salary range. All benefits, including leave policies, retirement plans, insurance plans, educational assistance, flex time, and other conditions of employment are equally available to all employees as permitted by federal and state law.

The Director of Human Resources, along with the Equal Employment Opportunity Committee, periodically reviews benefits and related policies to access trends and make recommendations to management to minimize any inequities.

J. Monitoring Procedures

The Equal Employment Opportunity Officer conducts periodic review of all Equal Employment Opportunity Program activities, and identifies needed training or programs. The Equal Employment Opportunity Officer prepares the annual Equal Employment Opportunity Plan with new program objectives.

VII. STATISTICAL PROCEDURES

In order to ensure compliance with NCSSM affirmative action program the following audit procedures are in place:

Applicant flow is monitored by means of a spreadsheet that contains data from the Applicant Log from the application form. The log contains information about the applicant’s race, gender, age and disability. Information regarding citizenship and veteran status is obtained directly from the application form. Data from the spreadsheet is used to compile information relating to applicant flow for each position, including the number of total applicants, applicants who withdrew, total most qualified and total interviewed by race and gender.

Human Resources provides applicant pool statistics to each search committee along with utilization data to assist the committee in making decisions that further affirmative action goals. The statistical report includes categories of underutilization taken from the EEO 2 form and applicant pool data by race, gender, veteran status and state employee promotional priority.

Human Resources maintains a Faculty/Staff Report that contains relevant data on current employees, including job classification, race, gender, disability, veteran status, and salary. These are updated on a regular basis to include new NCSSM employees and promotions.
The Human Resource bulletin boards throughout campus are monitored on a regular basis to ensure the required Equal Employment Opportunity posters are displayed. NCSSM job openings and relevant training opportunities are also posted to afford employees opportunity for advancement.

The Equal Employment Opportunity Plan document is reviewed and updated each year. Upon requests by the Board of Trustees, the Chancellor will report progress toward equal employment opportunity goals.

The Equal Employment Opportunity Plan is monitored on a regular basis through compilation of workforce data, which includes new hires, transfers, promotions and terminations.

Records are maintained on training and development opportunities provided to all NCSSM employees in order to identify participation of underrepresented group members.

With BEACON, the new statewide human resources and payroll system, reports are available for monitoring race and ethnicity statistics.

VIII. REDUCTION-IN-FORCE (LAYOFF) POLICY

In the event of a reduction-in-force, the Chancellor of the North Carolina School of Science and Mathematics may separate an employee whenever it is necessary due to shortage of funds or work or other material changes in duties or organization. Retention of employees in affected classes shall be based on a systematic consideration of all of the following factors: type of appointment, relative efficiency, actual and or potential adverse impact on protected group individuals, and length of service. However, neither temporary, probationary nor trainee employees in their initial six months of training shall be retained in classes where permanent employees must be separated in the same class.

The Reduction-In-Force Policy and Procedures are incorporated in the NCSSM Equal Employment Opportunity Plan, the On-Line Personnel and Business Policies and Procedures Manual and Human Resources Webpage of the School’s Intranet for NCSSM employee to view. Employees may review the Reduction-In-Force Policy and Procedures in their entirety in the Office of Human Resources.

RIF Procedures

A. Alternatives to Layoff

All feasible alternatives to layoffs will be considered including attrition, transfers, reallocation of positions to different classifications, work schedule alternatives, job sharing, early retirement and voluntary layoffs.

B. Factor in Determining Layoffs

If no alternatives are feasible, the following factors will be considered prior to a layoff:

1. type of appointment;
2. relative efficiency;
3. actual or potential adverse impact on protected groups; and
4. length of service.
C. **Impact Analysis**

The Director of Human Resources along with the Equal Employment Opportunity Committee will conduct an impact analysis to determine whether a particular group is adversely affected. The Equal Opportunity Services Division instructions for completing Reduction-in-Force Impact Analysis will be followed. The impact analysis is for internal use only to give top management an indication of potential adverse impact.

D. **Selecting Permanent Employees for Layoff**

After an area of Reductions-In-Force has been determined, supervisors in conjunction with the Director of Human Resources are responsible for initially evaluating employees on the basis of relative efficiency and length of service. This evaluation shall consist of the following:

1. needs of the department to deliver services;
2. relative skills, knowledge and productivity of employees as documented in the annual performance appraisal; and
3. length of service of employees.

The supervisor will then prepare the preliminary list for layoffs and submit to the Equal Employment Opportunity Officer for review.

E. **Final List for Reduction-In-Force**

The EEO Officer/Director of Human Resources and Vice Chancellor of the affected area will review the impact analysis along with the Preliminary List and prepare the final list for layoffs. The Chancellor will receive a copy of the impact analysis along with the final list for layoffs. The list must be approved by the Chancellor prior to any layoffs.

F. **Notification of Affected Employees**

The final list of reductions is sent to the Director of Human Resources who will notify in writing affected employees as to the reason for the layoff, the process for selecting layoffs, appellate rights and priority re-employment consideration. The notice must be at least 30 days in advance of the reduction. In the notification the Director of Human Resources will invite these employees to meet individually to discuss employment assistance and accrued benefits.

G. **Benefits for Reduction-In-Force Employees**

If the employee desires assistance in locating another state position, the Director of Human Resources will assist the employee in submitting an application to the Office of State Personnel. If assistance is not desired, a copy of a written statement declining this assistance shall be forwarded to the Office of State Personnel.
IX. WORKPLACE HARASSMENT POLICY

It is the policy of NCSSM that no employee may engage in speech or conduct that is defined below as workplace harassment. All current and former NCSSM employees are guaranteed the right to work in an environment free from workplace harassment and retaliation while employed at NCSSM.

NCSSM is committed to equality of opportunity and the maintenance of a work environment free of any harassing conduct on the basis of race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation, or other personal characteristics not relevant to an individual's performance as an employee.

Any employee who knows of situations involving harassment has an obligation to report those circumstances to the Director of Human Resources. Any person associated with the School engaging in such conduct will be appropriately disciplined, which could result in dismissal for misconduct. Any reported cases will be reviewed for possible referral to appropriate legal authorities. A false accusation is considered misconduct and may result in appropriate disciplinary action.

This policy is posted on the Human Resources webpage of the School's Intranet and in the on-line NCSSM Staff Personnel and Business Policies and Procedures Manual. The Director of Human Resources, or designee, will inform new employees of the policy during employee orientation and provide a copy of the policy and attached procedures to all employees on an annual basis.

DEFINITIONS

(1) NCSSM's Workplace Harassment Policy defines workplace harassment as unwelcomed or unsolicited speech or conduct based upon race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation, or other personal characteristics not relevant to an individual's performance as an employee. Workplace harassment may arise in one of the following circumstances:

- **Hostile Work Environment** harassment consists of conduct that has the purpose or effect of unreasonably interfering with an individual's performance or creates an intimidating, hostile or abusive environment. The standard is conduct that both a reasonable person would find hostile or abusive and that the particular person who is the object of the harassment perceives to be hostile or abusive.

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

(2) **Retaliation** is defined as adverse treatment taken against individuals exercising their rights under this policy.

COVERAGE AND GRIEVANCE PROCEDURES

The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the law and with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred.
A prompt and impartial investigation will be made of all cases alleging workplace harassment based on presented facts surrounding the misconduct. NCSSM will review the totality of the circumstances to determine whether the alleged conduct constitutes workplace harassment. Unless independent evidence exists, the victim must be willing to testify in order for the School to take corrective action against the accused. Any interference, coercion, restraint or reprisal of any person complaining of workplace harassment is prohibited.

Any former NCSSM 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 improperly harassed in the workplace while employed at NCSSM must do the following:

(1) Submit a written complaint within 30 calendar days of the alleged harassing action to the Director of Human Resources, who has been designated as the School's EEO Officer and is charged with implementing this policy and coordinating the investigation of complaints. If the Director of Human Resources is the accused, the complaint should be submitted to the NCSSM General Counsel. In such cases, the NCSSM General Counsel, or designee, serves as the EEO Officer. The grievant may bypass any step in the procedure if the alleged harasser is involved in the decision making.

(2) NCSSM shall investigate the complaint and take appropriate remedial action within 60 calendar days from receipt of the written complaint. The School will provide a written response to the grievant stating what action, if any, will be taken. This is the final step for harassment allegations based on factors not defined as unlawful by state law, G.S. 126-34.*

(3) After the 60 calendar day response period has expired, the grievant alleging unlawful harassment as defined by the State Personnel Act (G.S. 126) may appeal to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days if not satisfied with the School’s response.

*G.S. 126-34, defines unlawful workplace harassment as unwelcomed or unsolicited speech or conduct based upon race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation that creates a hostile work environment or circumstances involving quid pro quo.

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 race, religion, color, creed, national origin, sex, age, disabling conditions, political affiliation or sexual orientation 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: Grievances concerning discrimination based upon sexual orientation may only be processed by the internal grievance procedures of the employing agency.

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

Former employees may appeal directly to the Office of Administrative Hearings and the State Personnel Commission.

Applicants, while not covered by G.S. 126-34, are covered by other state and federal civil rights statutes.


NORTH CAROLINA SCHOOL OR SCIENCE AND MATHEMATICS
EQUAL EMPLOYMENT OPPORTUNITY PLAN FOR SPA EMPLOYEES

OBJECTIVES

Research indicates that creating a supportive work environment is the most important step in preventing harassment.

The following objectives have been established to create a supportive environment:

- disseminate to all employees NCSSM’s workplace harassment policy
- sensitize employees to the subject through training, orientation and literature
- promptly investigate every report of suspected workplace harassment
- offer mediation by the designated administrators as an alternative to a formal hearing
- use established disciplinary and grievance procedures in addressing workplace harassment
- document all efforts taken to prevent workplace harassment and to respond to complaints

RESPONSIBILITY

The ultimate responsibility for the NCSSM Workplace Harassment Prevention Plan lies with the Chancellor. However, the Director of Human Resources is responsible for coordinating the plan and advising as appropriate all parties involved in cases alleging workplace harassment. Vice Chancellors of an affected area and the Director of Human Resources are responsible for investigating and obtaining any additional information in cases alleging workplace harassment. Supervisors are responsible for prevention and correction of any identifiable discrimination and/or workplace harassment. All NCSSM employees are responsible for maintaining a work environment free of conduct defined as workplace harassment or retaliation.

PROGRAM COORDINATION and PROCESS

- The Director of Human Resources coordinates orientation and training programs, advises parties involved in alleged harassment, investigates allegations and monitors disciplinary actions.
- The Director of Human Resources, or designee, offers mediation as an alternative to formal hearing procedures.
- In filing the complaint, the grievant is allowed to bypass any step in the grievance procedures involving review by the alleged harasser.
- Disciplinary action is handled through regular employee disciplinary procedures.
- Appropriate disciplinary action will be imposed on those who (1) interfere or retaliate against any person alleging harassment, or (2) make unfounded charges.
- The accused will not be allowed to resign to avoid dismissal or other disciplinary action without the written consent of the accuser.
- The accused may appeal any disciplinary action through the appropriate grievance procedure.

The Director of Human Resources/EEO Officer will evaluate this program annually based on effectiveness of training programs, number of complaints, nature of cases and their outcome through the internal complaint procedures; and compliance with program requirements.