

ASSIGNMENT OF RESPONSIBILITY FOR IMPLEMENTATION

Equal Employment Opportunity Officer

An administrator of the University serves as the Equal Employment Opportunity (EEO) Officer.

The EEO Officer's responsibilities include, but are not limited to the following:

- Developing policy statements, programs supporting equal employment opportunity, and internal and external communication.
- Assisting in the identification of areas of possible discrimination. This may include, but is not limited to, analyzing data collected about enrollment and employment issues like promotion and tenure.
- Assisting administrative/supervisory personnel in arriving at solutions to disparities and problems. This may include, but is not limited to, employment issues involved in the area of Human Resources Management.
- Reviewing the policies, practices, and procedures with Northwest officials authorized to offer employment.
- Serving as liaison between Northwest and the University's legal counsel, especially with issues involving EEO matters.
- Serving as liaison between Northwest and appropriate enforcement agencies, especially with issues involving EEO matters.
- Serving as liaison between Northwest and minority organizations, women's organizations, and community action groups concerned with employment opportunities for minorities, individuals with disabilities, Vietnam-era veterans, and women to help them understand compliance issues.
- Keeping administrative/supervisory personnel informed of the latest developments in the area of equal employment opportunity.
- Submitting an annual report to the President that will:
 - Describe the current status of Northwest's EEO compliance.
 - Make appropriate recommendations for maintenance and improvement of Northwest's policies and programs.

The EEO Officer's supervision includes, but is not limited to, the following:

- Assisting administrators and department heads in identifying possible employment disparities.
- Reviewing hiring and promotion patterns.
- Reviewing Northwest policies with University officials
- Periodically reviewing hiring processes and results to ensure that minorities and women are given full opportunities for employment, transfer, and/or promotion.
- Periodically reviewing University facilities to ensure that:
 - Posters and employment notices are properly displayed.
 - Facilities such as residence halls, locker rooms, and restrooms are comparable for both sexes.
 - Employees are afforded opportunity and are encouraged to participate in all University-sponsored educational, training, recreational, and social activities.

The Equal Employment Opportunity Committee

The EEO Committee consists of no less than 10 members, five women and five men, appointed by the President on or before September 30 each year. The minimum representation on the Committee shall be:

- Four faculty members, including two females and two males, nominated yearly by the Faculty Senate.
- Two support staff members, including one female and one male nominated yearly by the Support Staff Council.
- Two administrative/professional staff employees, including one female and one male from Student Administrative Services (SAS).
- Two students, including one female and one male student, one to be an undergraduate nominated by the Student Senate and the other nominated by the Graduate Student Organization.
- One additional member from the faculty, support staff, SAS, Student Senate, and Graduate Student Organization may be added through these representative organizations by contacting the EEO Officer. These additional members have the same voting privileges as the other assigned members. Individuals who represent minority positions are encouraged to participate as nonvoting



members in the EEO Committee to add a depth of understanding to EEO issues. The final approval of all Level III Committees like this one comes from the President of the University.

All Committee members may succeed themselves for one additional term. The Committee is advisory to the EEO Officer. Ex-officio members of the committee are the EEO Officer and the Director of Human Resources. As with any Level III Committee, the Faculty Senate Committee on Committees will suggest a faculty member as a chair for the EEO Committee. If the person who has been suggested does not desire to serve, the EEO Officer will ask a member who has served previously on the committee to be the chair. The committee will select the recorder. Ex-officio members may not serve as the chair of the committee, but may be the recorder.

The functions of this Committee will be:

- Review Northwest's policies for compliance.
- Assist the EEO Officer with the dissemination of information by educating the campus on issues associated with the Civil Rights federal mandates.



POLICY DISSEMINATION

The University will disseminate its equal opportunity policy internally and externally.

Internal Dissemination

The EEO Guidelines will be distributed to all present and new University employees and contractual vendors serving the University. Every new employee will be given a copy of the Equal Employment Opportunity Guidelines by the Human Resources Management Office. Contractors will receive the document through the Purchasing Department. When there are changes or additions in the document it will be the responsibility of the EEO Officer to disseminate the revised document to employees and contractors. Additional copies may be obtained upon request in the Human Resource Management Office.

The following nondiscrimination clause will be included in Northwest catalogs and other publications designated by the EEO Committee. The statement aligns with state and federal guidelines.

“Northwest Missouri State University adheres to a policy of nondiscrimination on the basis of race, color, national origin, sex, creed, disability, or age. This policy is effective in all University-controlled programs and activities, including employment, admissions, retention, housing, financial aid, and academic programs. The University is an equal opportunity employer and prohibits discrimination. Inquiries regarding compliance with nondiscrimination policies may be directed to the EEO Officer, 800 University Drive, Northwest Missouri State University, Maryville, MO 64468-6001 (660-562-1110).”

Statements regarding equal opportunity and nondiscrimination as it specifically applies to Northwest Missouri State University’s philosophy, procedures, and processes may be found in the *Faculty Handbook*, *Support Staff Handbook*, *Professional and Administrative Staff Handbook*, and



Student Handbook, as well as other University personnel policy handbooks.

The following nondiscrimination statement will be included on University contracts, documents, and publications:

“Northwest Missouri State University is an equal employment opportunity employer.”

The policy statements regarding equal opportunity and nondiscrimination will be posted on high visibility bulletin boards by the Human Resource Management Office. When changes occur, the bulletin boards will be changed by the Human Resource Management Office.

Dissemination

- Northwest employees who lead the hiring process for new employees will be informed of the University’s EEO policy.
- The Human Resources Office will include in the acknowledgment letter to all prospective employees a paragraph stating the existence of the University’s equal opportunity policy.
- The EEO Officer and the Director of Human Resources will periodically review personnel policies and practices for discrimination and submit appropriate recommendations.



HARASSMENT POLICY

Northwest's Commitment

All members of the University community have an interest in increasing and maintaining an environment free from harassment, including sexual harassment. Sexual harassment is a violation of federal and state law, as well as Northwest policy. All faculty, staff, and students need to be aware that they will be subject to disciplinary action for violations of this policy up to and including termination. Northwest is committed to providing an environment in which individuals are treated fairly and with respect. Harassment will not be tolerated under any circumstances within the University's jurisdiction, whether it is in an academic, employment, residential, or social situation.

Statement of Policy

Defined by the Equal Employment Opportunity Commission, unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing, or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic evaluations affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, academic, or social environment.

Any occurrence of sexual harassment within the jurisdiction of the University should be reported and will be handled through the reporting procedure.



SEXUAL HARASSMENT: WHAT IS IT?

Some behaviors which, if unwelcome or repeated, constitute sexual harassment include:

Verbal

- suggestive comments about a person's clothing, body, or sexual activity
- humor or jokes about sex or about gender-related characteristics
- sexual innuendos and comments
- direct or indirect threats linked to sexual propositions or sexually-explicit questions

Nonverbal

- suggestive or insulting sounds (leering, whistling)
- display of sexually-explicit pictures
- obscene gestures
- staring at a person's physical features

Physical

- intentionally brushing a person in passing
- inappropriate touching, patting, or tickling
- pinching or squeezing
- coerced sexual activity and sexual assault

Written

- suggestive notes, letters
- suggestive E-mail messages

If you feel you have been harassed, you should take the following steps as soon as possible. (Contact the EEO Officer with any questions at any point.)

Be Assertive—Try to stop the behavior by telling the offender directly that it is unwelcome and offensive to you and you expect it to stop at once.



Get Help—If you find it difficult to confront the offender directly, contact the EEO Officer who can help you determine the best way to inform the offender that his or her behavior is not welcome.

Realize You May Not Be Alone—Possibly, you may not be the only person offended. You may help others as well as yourself by taking action.

Take Action—The harassment may not just go away. While ignoring it is a common reaction, it may not be an effective way to deal with a sexual harassment incident.

Act Promptly—Northwest’s policy strongly urges that a complaint be filed as soon as possible with the EEO Officer.

Reporting Procedure

If you feel you have been sexually harassed, report the problem to the EEO Officer. In all cases, the Equal Employment Opportunity (EEO) Officer or his or her designated representative will be available to hear your complaint. This person may be contacted personally in the President’s Office, Room 143, Administration Building, or by phone at 562-1110. The designated representative when the EEO Officer is unavailable is the Director of Human Resources located in Room 107 of the Administration Building, or by phone at 562-1127.

For allegations of student against student harassment, contact the Vice President for Student Affairs, Student Union, 562-1154.

No one will force you to take any action you do not want to take. Additional questions concerning the Sexual Harassment policy should be addressed to the EEO Officer.

Additional Points

Every effort will be made to ensure the confidentiality of those who report a complaint or participate in the procedures.



Persons making false accusations in sexual harassment cases will be subject to disciplinary action.

It is a violation of University policy to initiate any action as a retaliation against those who report sexual harassment, use the reporting procedures, or are involved in the sexual harassment procedure or implementing the sanctions.

Consensual Amorous Relationships

The mission of the University is promoted by professionalism fostered by an atmosphere of mutual trust and respect. Faculty and/or supervisors should be aware that consensual (i.e. both parties have consented) romantic and/or sexual “amorous” relationships with students and/or subordinate employees have the potential for adverse consequences. Given the asymmetric nature of the relationship where one party has the power to give grades, recommendations, thesis advice, promotions, salary increases, and performance evaluations, the consensual nature of the relationship is suspect. Even when both parties have consented to the relationship, there may be serious concerns about the conflicts of interest and unfair treatment of others. This policy does not apply to married couples. (The policy on nepotism found in the University Faculty, Administrative and Staff Handbooks offer clarification on this point.)

Northwest Missouri State University maintains that it is unethical for faculty members and supervisors to engage in consensual amorous relationships with students or employees they supervise or where evaluations may be influenced. Such relationships create a real or perceived conflict of interest. The behavior is unethical even when consensual because the voluntary nature is in doubt, given the power imbalance in the student-faculty or supervisor-employee relationship.

Whether the complaint about the consensual amorous relationships would be on unethical or sexual harassment grounds, the faculty and employees are subject to the appropriate procedures outlined in this book. The Equal Employment Opportunity Officer will be empowered to determine which procedure will be followed.



AMERICANS WITH DISABILITIES ACT

Northwest's Commitment

It is the policy of Northwest Missouri State University to fully comply with the provisions of the Americans with Disabilities Act of 1990. Northwest is committed to providing individuals, students, staff, faculty, and visitors, with reasonable accommodation, and has devoted resources to making the campus physically accessible to all. Employment discrimination against qualified individuals with disabilities will not be permitted.

Title I—Employment

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA prohibits discrimination against individuals with disabilities in state and local government services, public accommodations, transportation, and telecommunications. Title I of the ADA also prohibits discrimination in practices such as recruitment, pay, hiring, termination, promotion, training, and all other employment activities. The Act also prohibits an employer from retaliating against an applicant or employee for asserting his or her rights under the ADA.

A “person with a disability” includes “any person who (i) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (ii) has a record of such an impairment, or; (iii) is regarded as having such an impairment.” A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working.

A qualified individual with a disability is one who is able to perform the essential functions of the job, with or without reasonable accommodation. This means the applicant or employee must:

- satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related, and



- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

How to Determine Essential Functions

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. The employer should carefully examine each job to determine which functions or tasks are essential to determine which functions or tasks are essential to performance.

Factors to consider in determining if a function is essential include:

- whether the reason the position exists is to perform that function, the number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- the degree of expertise or skill required to perform the function.

The employer's judgement as to which functions are essential, along with a written job description prepared before advertising or interviewing for a job will be considered evidence of essential functions. Other types of evidence include

- the actual work experience of present and past employees in the job,
- the time spent performing a function,
- the consequences of not requiring that an employee perform a function, and

Two further points to bear in mind: 1) essential functions are not the same as essential qualifications (function describes the job; qualification describes the worker); and 2) essential functions may be performed differently by people with disabilities than by others, which is where reasonable accommodation comes into play.

Reasonable Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform



the essential functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Examples of reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring of nonessential job functions,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials, or policies,
- providing readers or interpreters,
- making the workplace readily accessible to and usable by people with disabilities.

Interviewing

The interviewer can ask an applicant questions about ability to perform job-related functions as long as the questions are not phrased in terms of a disability. The interviewer can also ask an applicant to describe or to demonstrate how, with or without accommodation, the applicant will perform job-related functions.

It is unlawful to ask if an applicant is disabled, or about the nature or severity of the disability, or require the applicant to take a medical examination before making a job offer.

Drugs/Alcohol

Anyone currently abusing alcohol or using illegal drugs and not in a rehabilitation program is not protected by the ADA, and may be denied employment or fired on the basis of such use.

Enforcement

The ADA provisions concerning job discrimination are enforced by the Equal Employment Opportunity Commission. The EEOC and Northwest encourage informal negotiations for resolving disputes. If informal means are not effective, formal complaints within the University may be brought forward to the EEO Officer, and the grievance procedures stated in this booklet will be initiated. Federal guidelines



state that a charge of discrimination must be filed within 180 days of the actual discrimination.

Confidentiality

All necessary steps will be taken to ensure the confidentiality of information pertaining to an employee's disability. Information should be shared on a limited basis with supervisors or managers regarding necessary accommodation, first aid, emergency procedures, and insurance companies, as necessary. All medical records of employees are kept in separate confidential files.

Resources

Helping Students with Disabilities: Information and Accommodations at Northwest Missouri State University is a handbook that outlines the policies, committees, and resource people responsible for ADA compliance, as well as information about specific disabilities. Each department chairperson and administrative director has been issued a copy of this booklet for reference. Extra copies are available through contacting the Talent Development Center located in the Administration Building, Room 372 (660-562-1726). The Office of Equal Opportunity, Washington, D.C., also offers additional information in their pamphlet, *The Americans with Disabilities Act: Your Responsibilities as an Employer*. The Association on Higher Education and Disability (AHEAD) publishes several booklets on accommodations in higher education including *Confidentiality and Disability Issues in Higher Education*.



GRIEVANCE POLICIES AND PROCEDURES FOR ALLEGED DISCRIMINATORY PRACTICES

The following policies and procedures provide the structure for the investigation of grievances based on alleged discriminatory practices. These grievance procedures are available to any employee, applicant for employment, or student who believes he or she has not received the benefits of the nondiscrimination policies, including sexual harassment. The purpose of the grievance policies and procedures are to determine whether institutional policies and procedures have been adhered to. For faculty, the hearing proceedings found in Chapter 2 of the *Faculty Handbook* will take precedence in issues concerning promotion, tenure, removal, or suspension during the contract period. For support staff, the hearing proceedings found in the *Support Staff Handbook* will cover employment issues not covered by the EEO guidelines outlined in this booklet.

Northwest is committed to providing an environment in which individuals are treated fairly and respectfully. Discrimination affecting the academic and work setting will not be tolerated. Northwest retains the right to take appropriate actions against discrimination affecting the academic or work environment in the absence of a complaint.

Retaliation

There will be no retaliation against any individual who participates in or takes advantage of these grievance procedures.

Filing a Complaint

Any person who believes his or her rights have been infringed upon under the University's nondiscrimination policy may file a complaint. The EEO Officer will receive complaints. The person with the complaint is encouraged to visit with the EEO Officer as soon as possible. The person making the complaint will be asked to fill out the Alleged Discrimination or Harassment Complaint Form (see Appendix.). The EEO Officer will begin conducting an investigation as soon as reason-



ably possible. Northwest encourages prompt reporting and investigating of the alleged incidents.

Confidentiality

Northwest will use reasonable efforts to maintain confidentiality throughout any investigation, consistent with the University's obligation to fully investigate the complaint. Confidentiality is often difficult when discussions about the alleged occurrence have occurred prior to the filing of the grievance. The responsibility of ensuring confidentiality involves all parties involved in the complaint and the investigation.

Starting the Complaint Process by Discussion with the EEO Officer

Only the people most directly involved in the grievance are part of the investigation process. Grievances can be handled in an informal manner.

To conduct a meaningful investigation of an informal complaint, there is communication with people involved in the grievance, those who may have witnessed the behaviors in question, as well as those who can add additional information. The EEO Officer may utilize several negotiation strategies in the course of addressing the complaint including, but not limited to, interviewing, mediating, counseling, and educating those involved in the alleged incident for an informal resolution.

An informal complaint may be resolved in three ways:

- **Mutually Satisfactory Resolution**—Should the parties to the complaint arrive at a mutually satisfactory resolution, the parties may verbally agree upon resolution, or may ask the EEO Officer to place in writing the agreed upon resolution. In the written resolution the grievant, the respondent, and the EEO Officer each retains a copy of the resolution, signed by all parties to indicate agreement. Upon such resolution, the matter will be closed. A copy of the resolution will be placed in the EEO Officer's file.

- **No Viable Informal Resolution**—If the EEO Officer determines



that no practical informal resolution is acceptable to the grievant, respondent, or the University, such determination will be provided in writing to the grievant and the respondent. A copy of the determination will be placed in the EEO Officer's legal file. Either party may decide to continue with a written complaint.

- **Dismissal**—If the information provided to the EEO Officer indicates that there is no foundation for the allegation, the EEO Officer may dismiss the matter. If the grievant agrees, a written record of the discussion will be given to the grievant and the respondent. A copy will be included in the file. If the grievant does not agree, he or she may file a written complaint requesting that the investigation of the complaint proceed.

Withdrawal of the Complaint: At any time prior to the completion of an investigation, the person filing the grievance may withdraw the complaint by communicating this to the EEO Officer.

Complaint Process

If discussion with the EEO Officer in an informal manner does not offer a satisfactory resolution to the complaint, or the grievant does not wish to work through the EEO Officer to informally resolve the complaint, the grievant may initiate proceeding by filing a written complaint.

Formal proceedings begin with the filing of a written complaint, using the Alleged Discrimination or Sexual Harassment Form (see Appendix) with the University's EEO Officer. The complaint will include a request for formal proceedings, the basis of the complaint, and specific description of the conditions, facts, events, or circumstances upon which the grievance is based.

The EEO Officer will begin investigating the complaint as soon as reasonably possible after receiving the Alleged Discrimination or Sexual Harassment Form. After completing the investigation, the EEO Officer will discuss his or her findings with the grievant and the EEO Officer will make a written report with recommendations and forward it to the



President of the University for appropriate action. The President's actions may include, but not be limited to, notifying the person who is being complained about demanding that they cease and desist any further action. The President may take such other action as necessary to eliminate the complained of behavior, including where appropriate, a recommendation to the Board of Regents for terminating the offending employee.

Withdrawal

At any time during the complaint process the person filing the grievance may withdraw the complaint by communicating his or her desire to do so to the EEO Officer.

Implementation of the Determination

Upon the final determination of the complaint or appeal, the EEO Officer will inform the respondent's superior(s) or line officer(s) of the determination and oversee its implementation.

Definitions

The EEO Officer refers to the University's Equal Employment Opportunity Officer.

Grievant refers to any individual(s) filing a complaint.

Respondent refers to any individual(s) against whom a complaint is filed.

Complaint is an allegation that a person's employment rights and/or eligibility have been adversely affected procedurally due to a violation, misapplication, or misinterpretation of the University's nondiscrimination policy.

Committee refers to the Hearing Committee.

Working day means a day during which the University is in session, as defined by the academic calendar.



University and/or Northwest means Northwest Missouri State University.

Limitations

In no way will an employee's status with the University be adversely affected because he or she utilizes these procedures.

All proceedings provided for in this section will be maintained as confidential subject only to the need of the grievant and the University to comply with the processes specified herein and to present evidence in other hearings or proceedings. All proceedings shall be conducted in private and all records will be open only to the parties, except as otherwise required herein or by 610.021 (3) R.S.MO.

Nothing contained herein will preclude the informal disposition of complaints by stipulation or by agreed settlement where such resolution is consistent with University policy.



APPENDIX - SAMPLES OF FORMS



Alleged Discrimination or Harassment Complaint

Full Name _____

Address _____

Telephone Number _____

Status or Position: (circle one) Student/Faculty/Staff
 Admission Applicant Employment Applicant

Social Security Number _____

Date _____

Administrative unit in which alleged discrimination/harassment took place

State the exact program or activity which you feel is discriminatory or where harassment took place. Attach additional sheets if more space is necessary. Be specific and be sure to include the following:

- The date of the event or occurrence about which you are complaining,
- the name and position of every person involved,
- the exact nature of each incident involved,
- every relevant date, and
- any previous efforts taken to resolve the issue.

State in full the reasons you believe the incidents described above may constitute discrimination or harassment.

State in full the remedy you seek for these alleged discriminatory programs or harassment activities.

Signature of Complainant

Date



Faculty Recruitment Checklist of Procedures

Position _____
 Department _____
 Chair/Dean _____
 Application Deadline _____

Part I will be completed by the Office of Human Resources Management. Parts II and III should be completed by the chairperson and forwarded to the Provost's Office within 10 days of filling the position. After the candidates have been sent a letter informing them the position has been filled, please return all application materials to the Office of HRM.

| I. ANNOUNCEMENT OF POSITION | YES | NO | DATE |
|--|-------|-------|-------|
| A. Position description information approved and on file with the Provost's Office | _____ | _____ | _____ |
| B. Position Announcement distributed: | | | |
| Human Resources bulletin board | _____ | _____ | _____ |
| Selected University placement offices and department chairs | _____ | _____ | _____ |
| Minority institutions | _____ | _____ | _____ |
| Local/state employment office | _____ | _____ | _____ |
| Local and area newspaper classified ads | _____ | _____ | _____ |
| Northwest's Office of Career Services | _____ | _____ | _____ |
| National associations in the discipline | _____ | _____ | _____ |
| National or regional meetings in the discipline | _____ | _____ | _____ |
| Professional journals or newsletters | _____ | _____ | _____ |
| Internet | _____ | _____ | _____ |

II. PROCESSING OF APPLICATIONS AND SELECTION

- A. Letter of acknowledgment and EEO forms sent to each applicant _____
- B. Number of applications received _____
- C. Number of qualified candidates: ___ male ___ female
- D. Number of candidates applying from minority institutions _____
- E. List of top three candidates _____

- F. Candidate(s) interviewed on campus _____

III. CLOSURE OF THE POSITION

- A. Candidate employed: _____
- B. Position-filled" letter sent to each unsuccessful applicant _____
- C. All material and information received concerning the position sent to the Office of HRM _____

Approval by Dean or Department Chair _____ Date _____
 Approval by Provost _____ Date _____
 Received by Affirmative Action Officer _____ Date _____



*The Equal Employment Opportunity Guidelines were approved
by the Northwest Board of Regents, January 27, 2000.*



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