

NUMBER: EOP 1.00
SECTION: Office of Equal Opportunity Programs
SUBJECT: Equal Opportunity and Affirmative Action
DATE: February 15, 2006
REVISED: October 6, 2014
Policy For: All Campuses
Procedure For: All Campuses
Authorized By: Director of the Office of Equal Opportunity Programs
Issued By: Office of Equal Opportunity Programs

DISCLAIMER – THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. Policy

- A. This document sets forth the University of South Carolina policy for equal opportunity and affirmative action for academic and non-academic personnel matters and the education of students, pursuant to the South Carolina Human Affairs law and applicable Federal laws and regulations pertaining to affirmative action and equal employment opportunity in educational opportunities and access.
- B. Affirmative action and equal education and employment opportunity are integral parts of the mission and purpose of the University of South Carolina. The University has established the goal that the proportion of black employees and white female employees should be equal to their representation in the relevant labor markets for faculty, administrative, professional and non-academic positions.
- C. It is the policy of the University of South Carolina to recruit, hire, train, promote, tenure, and otherwise make educational and personnel decisions without regard to race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status, (except where sex, gender or age is a bona fide occupational qualification.)

D. Administrative Responsibility

1. The President, operating through the Office of Equal Opportunity Programs, and with the best efforts of all faculty, staff, and administrators, has overall responsibility for compliance with Federal and State laws and regulations governing affirmative action and equal opportunity.
2. The Executive Assistant to the President for Equal Opportunity Programs advises the President and other administrative officers in matters of policy related to affirmative action, equal employment opportunity, and educational access and opportunity.
3. Affirmative Action Coordinators are appointed for each campus by the Chancellor or Dean of the campus. The Affirmative Action Coordinators work in conjunction with the Office of Equal Opportunity Programs on all matters relating to affirmative action, educational access/opportunity and equal employment opportunity.
4. The Executive Vice President for Academic Affairs and Provost and the chief academic officer for each campus bear primary responsibility for the attainment of affirmative action goals for academic employees and for ensuring that policies, procedures, and practices within the academic area are consistent with federal and state equal employment opportunity, and educational access/opportunity laws, rules, and regulations.
5. The Vice President for Human Resources and the human resources officer on each campus bear primary responsibility for the attainment of affirmative action goals for administrative and staff employees and for ensuring that policies, procedures, and practices within those areas are consistent with federal and state equal employment and affirmative action laws, rules, and regulations.
6. The Secretary of the Board of Trustees ensures that all contracts signed in the name of the University contain affirmative action/equal employment opportunity terms and conditions as required by State and Federal laws, rules, and regulations.
7. The Department of Facilities ensures that all contract work related to capital expenditure building projects meets federal and state requirements established for contracting firms in the university's affirmative action program and equal employment opportunity policy.
8. The Vice President for Finance and Planning is responsible for a purchasing program that includes consideration of firms operated by women and minorities, and for ensuring that all vendors doing business with the University are aware of the University's compliance with Federal and State Equal Opportunity/Affirmative Action Policy.

9. All other administrators, faculty, and staff within the University who have responsibility for employment and promotion decisions have responsibility for compliance with the equal opportunity/affirmative action program within their area of responsibility. Performance reviews of administrators and hiring supervisors must include consideration of their progress toward meeting equal opportunity/affirmative action goals.
10. The Affirmative Action Advisory Committee advises the President, the Executive Assistant to the President for Equal Opportunity Programs, and other key administrators on matters of equal employment opportunity and affirmative action.

II. Procedure

A. Dissemination of Policy

1. At the beginning of each academic year, the Equal Opportunity and Affirmative Action policy is reaffirmed in a memorandum from the President to all employees within the University of South Carolina. This memorandum addresses the obligations of hiring officials to carry out the University's policies and procedures on affirmative action and equal employment opportunity.
2. The Equal Opportunity and Affirmative Action policy is addressed at departmental, administrative, and other staff meetings.
3. The Executive Assistant to the President for Equal Opportunity Programs or campus affirmative action coordinator ensures that copies of equal employment opportunity posters are prominently displayed in strategic locations on all campuses.
4. The University's Affirmative Action Plan is available for inspection in the Office of Equal Opportunity Programs and the Thomas Cooper Library on the Columbia campus.
5. New employee orientation programs include information on the University's Equal Opportunity and Affirmative Action policy and program.
6. The Equal Opportunity and Affirmative Action policy applies to all campuses of the University and is available to all employees online at <http://www.sc.edu/policies>.
7. Training for supervisors includes a segment on the supervisor's role in promoting and implementing the University's Equal Opportunity and Affirmative Action policy and plan. Particular attention is paid to the supervisor's responsibility in the recruitment of new employees.

8. The Director of Printing and Publications ensures that the following statement is included in all bulletins, catalogs, application forms, and formal announcements distributed by the University: “The University of South Carolina does not discriminate in educational or employment opportunities or decisions for qualified persons on the basis of race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status. The University of South Carolina System has designated as the ADA and Section 504 Coordinator, the Executive Assistant to the President for Equal Opportunity Programs.”
9. The Executive Vice President for Academic Affairs and Provost, the chief academic officer for each campus, and the Vice President for Human Resources ensure that all employment advertising includes the notation: “The University of South Carolina is an affirmative action/equal opportunity institution. Women and minorities are encouraged to apply.”
10. The Vice President for Finance and Planning and the Department of Facilities are responsible for ensuring that contractors, subcontractors, and vendors are advised, in writing, of the University’s responsibilities under the affirmative action program and that the equal opportunity clause stated in paragraph 9 is incorporated in all purchase orders, leases, and contracts.

B. Faculty Personnel

The Executive Vice President for Academic Affairs and Provost or chief academic officer on each campus must ensure that all faculty vacancies are filled in a manner that complies with all affirmative action/equal employment opportunity requirements.

All candidates for faculty positions must be considered on the basis of qualifications without regard to race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status.

1. Recruitment – In cooperation with the Executive Assistant to the President for Equal Opportunity Programs or campus affirmative action coordinator, the responsibility of each department chairs or dean is:
 - a. to use their best efforts to see that qualified women and minorities are part of the applicant pool.
 - b. to advertise faculty vacancies in professional journals and other appropriate publications to reach qualified minorities and women. Advertisements must carry the statement: “The University of South Carolina is an Affirmative Action/Equal Opportunity Institution. Women and minorities are encouraged to apply.”
 - c. As vitae are received, the hiring department must provide the EEO Data Reporting form to each candidate. This information is needed to complete

state and federal reports and is an indicator of advertising and recruitment effectiveness. The EEO Data Reporting Form must bear the return address of the Office of Equal Opportunity Programs or the affirmative action coordinator of the campus.

- d. At the conclusion of the recruitment and selection process, the hiring department notifies the Office of Equal Opportunity Programs or the campus affirmative action coordinator to return the EEO Data Reporting forms so the department may prepare the EEO Summary of the Process of Recruiting.
- e. The dean or department chair may refuse to approve an appointment until reasonable steps have been taken to seek women and minorities for vacancies in departments in which protected classes are underutilized. The dean or department chair may require the search to be reopened or may review documentation of the search process.

2. Candidate Materials

- a. Vitae and other materials submitted by candidates in the course of a faculty search must be maintained by the hiring department for three years. In the event a complaint is filed, all supporting documentation must be retained until the complaint has been resolved.
- b. A copy of all faculty position advertisements must be provided to the Office of Equal Opportunity Programs or campus affirmative action coordinator at the beginning of each search.
- c. Applicant flow data for faculty positions is analyzed annually by the Office of Equal Opportunity Programs to determine discriminatory trends, if any, and to work with departments to correct disparities.

3. Hiring – Deans monitor department chairs in the following affirmative action/equal employment areas:

- a. to ensure hiring decisions concerning title and rank are based on the individual's qualifications relative to advertised requirements for the position.
- b. to ensure hiring decisions are not influenced by unsupported assumptions about an individual's willingness or ability to relocate because of sex or race.
- c. to ensure that departments who hire their own graduates provide equal consideration to all qualified graduates without regard to race, color,

religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status.

- d. to ensure that no preferential appointments are made of unqualified candidates over qualified candidates.
 - e. A faculty member who fills a position on a temporary or visiting basis cannot be appointed to the position on a permanent basis without participating in a search.
4. The Executive Vice President for Academic Affairs and Provost or campus chief academic officer has final approval on all faculty appointments.
5. Compensation
- a. Compensation for faculty positions is determined in a manner free from unlawful discrimination.
 - b. Rank and salaries of partner employees is based on non-discriminatory criteria applied separately to each individual's qualifications.

6. Tenure and Promotion

Candidates for tenure and/or promotion are considered without regard to race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status.

7. Sabbatical Leave

Applications for sabbatical leave are considered without regard to race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status.

8. Leave Policies

The University does not discriminate in the application of leave policies.

C. Administrative and Staff Employees

The Vice President for Human Resources bears primary responsibility for the attainment of equal opportunity/affirmative action goals for administrative and staff employees.

1. Recruitment

- a. Applicants are considered by qualifications only, without regard to race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status.
- b. All full-time equivalent positions are advertised on the University web-site: <http://uscjobs.sc.edu>.
- c. All classified staff vacancies are listed with the South Carolina Employment Security Commission and the South Carolina Office of Human Resources, as required by law.
- d. Four-year and regional campuses advertise their classified staff vacancies on the University web-site at <http://uscjobs.sc.edu>, and with the local Employment Security Commission office and in local newspapers as appropriate. All advertisements must carry the statement: "The University of South Carolina is an Affirmative Action/Equal Opportunity Institution. Women and minorities are encouraged to apply."

2. Applications

- a. Applications for classified staff positions are received online through USC Jobs. Hiring supervisors have access to the application information for all qualified applicants.
- b. Applicants are considered on the basis of qualifications listed in the job advertisement without regard to race, color, religion, sex, gender, national origin, age disability, sexual orientation, genetics or veteran status (except where sex or age is a bona fide occupational qualification.)
- c. The department interviewing the applicants must indicate the successful applicant and record the reasons for non-selection of other applicants. The campus Employment Office must maintain files on all applicants for three years. In the event a complaint is filed, all supporting documentation must be retained until the complaint has been resolved.

3. Hiring

Department directors monitor hiring supervisors in the following equal opportunity/affirmative action areas:

- a. ensuring that hiring decisions are based only on the applicant's qualifications for the job as described in the job advertisement.

- b. ensuring that hiring decisions are not influenced by unsupported assumptions about an individual's willingness or ability to relocate because of race, sex or gender.
 - c. ensuring that no preferential appointments of unqualified applicants over qualified applicants are made.
- 4. Compensation
 - a. Compensation for classified staff is established by the South Carolina Office of Human Resources through the classification system.
 - b. The Division of Human Resources, in conjunction with the South Carolina Office of Human Resources, conducts periodic reviews of job descriptions of classified employees to identify and correct inequities in classification levels.
- 5. Promotions and Transfers
 - a. The Division of Human Resources and the human resource contacts within each department and campus administer staff promotion and transfer policies in a non-discriminatory manner.
 - b. Employees are encouraged to take advantage of online recruitment sources located at <http://uscjobs.sc.edu> to learn of vacancies for which they qualify.

6. Professional Development

The University provides professional development opportunities to University personnel aimed at enhancing their performance. These programs are open to all employees.

7. Leave Policies

The University does not discriminate in the application of leave policies.

D. Administrative Personnel (Unclassified)

1. Recruitment

- a. Recruiting for unclassified administrative vacancies is conducted online and through advertising in professional journals and/or other appropriate publications to reach qualified applicants of both sexes and minorities. Advertisements must carry the notation: "The University of South Carolina is an Affirmative Action/Equal Opportunity Institution. Women and minorities are encouraged to apply."

- b. If a search committee is formed, the composition of the committee is representative of the University as a whole with regard to sex and race. Good faith efforts are made to ensure that women and minorities are included in the applicant pool.
- c. Exceptions to open recruitment may be made for administrative appointments of persons who serve in positions of trust to the University President (i.e. Chief Executive Assistant, General Counsel, etc.)
- d. Applicant flow data for administrative vacancies is analyzed annually by the Office of Equal Opportunity Programs to determine discriminatory trends, if any, and to work with departments to correct disparities.

E. Complaint Procedures for Employees

- 1. University employees who believe they have been discriminated against because of their race, color, religion, sex, national origin, race, disability, sexual orientation, genetics or veteran status are encouraged to report their complaint to their immediate supervisor, department chair, the EOP Office, the Employee Relations Office in the Division of Human Resources, or any Federal or State Regulatory Agency, i.e., South Carolina Human Affairs Commission (SCHAC), United States Equal Employment Opportunity Commission (EEOC).
- 2. Complaints of unlawful discrimination reported to any USC official must be promptly reported to the EOP Office. Complaints will be investigated and a determination made as soon as practicable after their receipt.
- 3. Complaints of illegal discrimination should be brought to the attention of appropriate University officials as soon as possible after an incident has occurred. If the complainant decides to file a complaint with an external agency after an internal review, statutory or regulatory time limits may preclude action by the external agency if the complaint is not filed timely. If a complaint of illegal discrimination is filed with a state (SCHAC) or federal regulatory office (EEOC), (OFCCP), (OCR), or State or Federal court, the EOP Office will immediately, upon notice from the State or Federal agency or court, cease to process the complaint internally and defer to the State or Federal agency/court all rights to process the complaint.

F. Policy of Non-Reprisal

No person will be subjected to restraint, interference, coercion, or reprisal for filing a complaint, serving as a witness, or seeking information regarding the equal opportunity/affirmative action program of the University of South Carolina or for seeking information about remedies available to the requestor from external agencies.

III. Affirmative Action

Affirmative action at the University of South Carolina consists of efforts to identify and eliminate barriers to equal employment opportunity. The University takes positive steps to ensure that its policies and procedures provide equal employment opportunities for qualified minorities, women, persons with disabilities, disabled veterans, and Vietnam era veterans.

IV. Reason for Revision

Policy updated to ensure compliance with State and Federal laws.