

V. EQUAL OPPORTUNITY, AFFIRMATIVE ACTION, AND TARGETED SMALL BUSINESS

5.01 Equal Opportunity Policy (681 IAC, 7.1(262))

It is the policy of the Board of Regents, State of Iowa, to provide equal opportunity in all aspects of Regent operations to all persons without regard to race, creed, color, religion, sex, national origin, age, status as a veteran of the Vietnam era, or physical or mental disability except where it relates to a bona fide occupational qualification. The Board of Regents and all officials who are responsible to the Board of Regents shall take affirmative action in personnel administration to overcome the effects of past or present practices, policies, or other factors which serve as barriers to equal opportunities. Contractors doing business with the Board of Regents shall take affirmative action to ensure that all persons without regard to race, creed, color, religion, sex, national origin, age, status as a veteran of the Vietnam era or physical or mental disability except where it relates to a bona fide occupational qualification are effectively afforded equal opportunities. Institutions under the governance of the Board of Regents shall provide opportunities for minority and women businesses in the awarding of contracts through a procurement goal program as authorized by statute.

Equal Opportunity, Affirmative Action and TSB procedures established by the Board of Regents, State of Iowa, are contained in the 681 IAC 7.

5.02 Equal Opportunity (681 IAC 7.2(262))

A. Affirmative Action

The Board of Regents, State of Iowa, and all officials who are responsible to the Board of Regents shall appoint, assign, and advance employees on the basis of merit and fitness. Each institution under the Board of Regents shall promulgate a clear and unambiguous written policy of nondiscrimination and shall adopt an affirmative action program containing goals and time specifications in personnel administration. Each institution shall submit an annual affirmative action report to the Board. The Board shall submit an annual affirmative action report to the Department of Management.

The universities are considered to be federal contractors for federal reporting purposes and thus must comply with federal law by developing an annual affirmative action compliance program. Federal law also requires the universities to take affirmative action to employ and advance in employment, qualified persons with disabilities, special disabled veterans and veterans of the Vietnam era. Additionally, to comply with federal and state agency requirements, the universities must prepare the IPEDS Fall Staff Survey, the Vets 100 Report and the EEO/AA Annual Institutional Assurances Certification to the Iowa College Student Aid Commission. Compliance with these requirements, along with the submission of the annual affirmative action report to the Board, helps ensure vigilance by the institutions. As the institutions work to improve continuously the climate for diversity and ensure equal employment and

educational opportunity, the Regent Strategic Plan Key Result Area of diversity is fulfilled.

B. Personnel Administration

1. Each institution and the Board Office shall regularly review its personnel practices and procedures with a view to correcting personnel practices and procedures that may contribute to discrimination in appointment, assignment, or advancement. Each institution shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices. Each institution shall also bar from all employment application forms any inquiry as to race, creed, color, religion, sex, national origin, age, status as a veteran of the Vietnam era, or physical or mental disability, except for statistical purposes, unless it relates to a bona fide occupational qualification. The employment practices of the Board of Regents shall be in strict conformity to the provisions of all federal and state laws, executive orders, and rules and regulations of the Board of Regents and of its institutions that pertain to equal opportunity and affirmative action.
2. The Board of Regents shall develop a procedure to permit appointment of appropriately certified disabled applicants pursuant to Iowa Code §19B.2 Equal Opportunity in State Employment in Affirmative Action.

5.03 Employment Services, State Educational, Counseling, Training Programs, State Services and Facilities

All employment services, educational, counseling and job training programs for employees of Regent institutions and the Board Office shall be administered in accordance with law and Regent policy which pertains to equal opportunity and affirmative action. Equal treatment shall also be guaranteed by all institutions of the Board of Regents in providing their services and facilities to the public. (681 IAC 7.3 - 7.5 (262))

5.04 Contract Compliance (681 IAC 7.6(262))

Equal Opportunity

The Board of Regents, State of Iowa, and the institutions under its jurisdiction are responsible for the administration and promotion of equal opportunity in contracts and services and the prohibition of discriminatory and unfair practices within any program administered by institutions under the Board of Regents receiving or benefiting from state financial assistance in whole or in part. Every official responsible to the Board of Regents who is authorized to make contracts or subcontracts for public works or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory practices forbidden by federal and state laws, executive order, and rules and regulations of the Board of Regents and of its institutions which pertain to equal opportunity and affirmative action.

Contract Compliance procedures established by the Board of Regents, State of Iowa, are contained in the 681 IAC 7.6.

5.05 Targeted Small Business (681 IAC 7.7, Iowa Code §§ 73.15-73.21))

Procurement Goal Program

It is the policy of the Board of Regents, State of Iowa, to provide contract opportunities to targeted small businesses (TSB's). Institutions governed by the Board of Regents shall seek, pursuant to the Iowa Targeted Small Business Procurement Act, 1989 Iowa Acts Chapter 315, Section 20, Iowa Code § 73, and Board policy, to contract with "targeted small businesses" as sources of supplies, equipment, construction, and services. All laws and rules pertaining to solicitations, bid evaluations, and contract awards apply to targeted small businesses. Particular attention should be given to considering Targeted Small Businesses for negotiated contracts (purchases under the bid limit) consistent with Iowa Code § 73.19.

Targeted Small Business procedures established by the Board of Regents, State of Iowa, are contained in the 681 IAC 7.7.

5.06 Committee on Affirmative Action and Equal Opportunity

The Interinstitutional Committee on Affirmative Action and Equal Opportunity is established and shall as appointed by the Board from institutional staff upon nomination of their respective institutional heads and the Board Office. The Committee shall meet periodically to develop common guidelines and general procedures for administration of Regent policies on equal employment opportunities and to exchange pertinent information. The consist of two representatives from each of the institutions and the Board Office. Duties and responsibilities of the committee are fully outlined in 1.06D of this Policy Manual.

5.07 Equal Opportunity and Merit System

- A. All vacant positions at the institutions shall be advertised publicly for at least five working days, except where there is a viable Merit System register.
- B. The Board encourages broad recruitment by the institutions designed to attract minority and female applicants.
- C. The Board encourages each institution to develop training programs for its employees.
- D. The Board directs that a system be established for regular reporting of applicants rejected by employing departments.