

North Dakota State University

Policy Manual

SECTION 103

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS

SOURCE: NDSU President

This policy addresses requirements and procedures for position openings. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations and NDSU's Equal Opportunity and Non-Discrimination [Policy 100](#). For equal opportunity purposes, all appointments to payroll budget positions and equivalent positions supported by non-appropriated funds are subject to the search, recruiting, and hiring processes in Sections [202](#) and [304](#) of this manual.

Section 1 pertains to staff positions. Section 2 pertains to faculty and executive/administrative positions. Section 3 pertains to all positions.

STAFF

1. Staff (as defined in [NDSU Policy 101.1](#) generally referred to as “broadbanded employees” include those positions in the following job band: 1000, 3000, 4000, 5000, 6000, and 7000).
 - 1.1 If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting area as defined in Section [200](#) of this Manual.
 - 1.2 Generally speaking, the recruiting areas are as follows for staff positions:
 - 1.2.1 Administrative/managerial positions in the 1000 band: national.
 - 1.2.2 Professional positions in the 3000 band: regional.
 - 1.2.3 Technical/Paraprofessional (4000); Office Support (5000) Crafts/Trades (6000); and Services (7000): local (Fargo-Moorhead community and/or surrounding counties as applicable).
 - 1.3 When a benefitted staff position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy [Section 223](#)), a unit supervisor may choose to advertise a vacant position internally for a minimum of five working days prior to initiating an external search. Promotion for staff employees is defined as those positions that result in a change of title and compensation associated with it. The procedures, which involve utilizing the online application system for these internal searches, will be the same as those external searches as mentioned in subsection 1 (see Section [202](#)). The Human Resources/Payroll Office, in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.
 - 1.4 If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks (non-benefitted), no formal position announcement posting to the online employment application system is required. Unit supervisors are, however, encouraged to announce benefitted positions. The announcement may be distributed within

the University to the eligible staff of the particular administrative unit involved. Affirmative action efforts must still be undertaken to ensure that qualified minority individuals, females, and individuals with disabilities are included in the applicant pool. Proof of affirmative action efforts will be required, such as documentation reflecting an open announcement to all eligible staff of an appropriate unit or adequate written documentation on why the candidate is being selected for the opportunity without an announcement to the appropriate unit. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.

- 1.5 Recruitment for all benefitted staff positions in the 1000 and 3000 bands shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.
 - 1.5.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. A member of the Human Resources shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.
- 1.6. Although unit leaders are encouraged to post throughout the University any staff position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions that involve utilizing the online application system for job announcements (see Sections [202](#) for broadbanded positions and [304](#) for non-banded) shall be optional in the following cases. (Whenever an appointment is based on one of the following options, the request to recruit must be completed online for benefitted positions and the specific option should be noted in the appropriate section of the online request to offer or on the NDSU [Change Form \(101\)](#) with relevant documentation attached.)
 - 1.6.1 Timeslip employment that is not identified as a payroll budget appointment.
 - 1.6.2 The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions. This option is governed by [NDSU Policy 240](#) which provides procedures and the requirement of the hiring department to obtain permission from the Director of Human Resources/Payroll who will review for appropriateness of the promotion including equitable issues.
 - 1.6.3 When there is concurrence by the hiring department, reassignment due to:
 - 1.6.3.1 An injury resulting in worker's compensation award and subsequent retraining; or
 - 1.6.3.2 A reduction-in-force.
 - 1.6.4 When an employee, at time of hire or within two years of employment, has a spouse or partner who is fully qualified and interested in a university position. (Please note the responsibilities lie with the employed spouse/partner's unit supervisor to encourage the spouse/partner to locate positions that they feel they are fully qualified for and make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review

the spouse's/partner's education and experience. The hiring department will make the final hiring decision.

- 1.6.5 At the request of the appropriate supervisor, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:
 - 1.6.5.1 The employee had a satisfactory performance record; and
 - 1.6.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
 - 1.6.5.3 The position is within the department where he/she worked at the time of resignation.
- 1.6.6 The appointment of an employee to fill a vacant administrative position on an acting basis, normally for a period not to exceed one year, while a search is being conducted for a regular appointee.
- 1.6.7 With prior approval, the temporary appointment of a person to a grant-funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

Note: To use this option, proposal writers should indicate their intention on the transmittal form and provide a letter of explanation when the proposal is submitted to the Office of Sponsored Programs Administration. Those submitting proposals for internal funding that are not reviewed in Sponsored Programs Administration should contact the Office of the Provost prior to submitting the proposal.
- 1.6.8 An externally funded appointment as a broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

Faculty and Executive/Administrative Staff

2. Executive/Administrative (primarily in 0000 job bands) and benefitted Academic Staff (in 2000 band – bands are defined in [NDSU Policy 101.1](#)), generally referred to as “non-banded employees,” include such positions as tenured and tenure-track faculty and deans. Recruitment falls under two primary categories: half time or less or interim (2.1) and more than half time (2.2).
 - 2.1 Titled and/or Compensated Positions (Less Than .50 FTE or Interim)

If the appointment is less than .50 FTE or stipulated to be for less than twenty weeks, the titled or compensated position shall be announced internally within the unit (and to other relevant internal units as appropriate to the position). The unit supervisor must ensure transparency and equal opportunities for individuals to learn about and apply for the positions. This means the unit supervisor must announce the position to appropriate unit(s) internally and accept applications for at least ten working days. Documentation of

the announcement and review of applications must be provided to the Office of the Provost before the position is offered so the Office of the Provost can ensure compliance with this policy. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in [Policy 304](#) must be followed.

2.2 Equal to or Greater Than .50 FTE, Non-Interim Positions

If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting areas as defined in [Section 103.1](#) of this Manual (with the exception of graduate level degree seeking students).

2.2.1 Generally speaking, the recruiting areas are:

2.2.1.1 Executive/Administrative positions in the 0000 band: national.

2.2.1.2 Benefitted Academic staff such as tenure/tenure track faculty in the 2000 band: national.

2.2.1.3 The 2000 level: lecturer, assistant coach, assistant experiment station specialist, Extension district directors, Extension area specialists, and Extension field staff: regional.

2.2.2 Recruitment for all benefitted executive/administrative and academic staff positions (all those in the 0000 and 2000 job bands) shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees. NDSU Policy 339 requires for every faculty recruiting committee to include faculty from the unit and at least one student. A unit may wish to include both an undergraduate and a graduate student on the committee.

2.2.3 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists is the responsibility of the unit administrator and is based on the recommendation of the search committee. The Vice Provost for Faculty and Equity, or designee shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

2.2.4 Exceptions to searches for benefitted executive/administrative, and academic and professional broadbanded staff positions listed (greater than .50 FTE and longer than 4 months) are limited to the following:

2.2.4.1 The transfer of an academic staff member from a lecturer line to a probationary appointment as outlined in the employee's original contract provided that he or she had secured the appointment on a nationally competitive basis.

2.2.4.2 An externally funded appointment as a postdoctoral fellow, research scientist, or broadbanded research professional in a

department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

- 2.2.4.3 With prior approval, the temporary appointment of a person to a grant- funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

Note: To use this option, proposal writers should indicate their intention on the transmittal form and provide a letter of explanation when the proposal is submitted to the Office of Sponsored Programs Administration. Those submitting proposals for internal funding that are not reviewed in Sponsored Programs Administration should contact the Office of the Provost prior to submitting the proposal.

- 2.2.4.4 When a faculty member has a spouse or partner who is fully qualified and interested in a university position, a dual career exception to the search process may be made. The department or unit administrator is responsible to contact the Vice Provost for Faculty and Equity as soon as possible. Hiring a spouse or partner depends upon the qualifications of the spouse or partner, the availability of a suitable and acceptable position in each case, and is subject to the approval of the department or unit into which the spouse or the partner will be hired, following an interview process within that unit. For positions in the 0000 job band and positions in the 2000 job band not defined as faculty, 1.6.4 applies.

- 2.2.4.5 At the request of the appropriate supervisor and with unit support, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:

- 2.2.4.5.1 The employee had a satisfactory performance record; and

- 2.2.4.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and

- 2.2.4.5.3 The position is within the department where he/she worked at the time of leaving.

- 2.2.4.6 When there is concurrence by the hiring department, reassignment due to:

- 2.2.4.6.1 An injury resulting in worker's compensation award and

subsequent retraining; or

2.2.4.6.2 A reduction-in-force.

All Positions

3. Exceptions to this policy may be authorized by the President in unique circumstances. A written request for the Presidential exception is initiated by the hiring department and forwarded through the appropriate supervisory line to the unit's dean or director. If there is support from the dean or director, the request is forwarded to the Provost or the appropriate vice president. If the request is supported by the vice president after consultation with the Vice Provost for Faculty and Equity and the unit's dean and director, it is forwarded by the Provost or Vice Provost to the President for consideration.

HISTORY:

New	May 15, 1978
Amended	February 6, 1979
Amended	April 21, 1981
Amended	November 13, 1989
Amended	September 24, 1991
Amended	April 1992
Amended	August 1993
Amended	December 1994
Amended	May 4, 1999
Amended	October 2001
Amended	October 2004
Amended	April 2005
Amended	October 2006
Amended	October 2007
Amended	May 2008
Housekeeping	September 2009
Housekeeping	July 2010
Amended	October 2010
Housekeeping	December 2010
Housekeeping	March 2011
Amended	September 30, 2012
Amended	February 4, 2014
Housekeeping	March 20, 2014
Amended	April 24, 2014
Amended	December 12, 2014
Housekeeping	June 4, 2015
Housekeeping	April 14, 2016
Housekeeping	March 16, 2017
Amended	December 13, 2019