

# EHRA Recruitment Compliance Review Process Regulation

**Version 3 (Current Version)**

 Print

<b>Policy</b>	REG06.05.01
<b>Title</b>	EHRA Recruitment Compliance Review Process Regulation
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<b>Sub-category</b>	Appointment, Recruitment, Hiring
<b>Authority</b>	Chancellor
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<b>Contact</b>	<p>Associate Provost for Equity and Diversity;Office for Equity and Diversity, Phone: 252-328-6804</p> <p>Director for Employment and Clinical Support Services, Department of Human Resources, Phone: 252-328-9897</p> <p>Questions regarding U.S. Department of Labor (DOL) immigration-related recruitment guidance should be addressed to the Office of University Counsel by email, <a href="mailto:immigration@ecu.edu">immigration@ecu.edu</a> (mailto:immigration@ecu.edu), or by phone, 252-328-6940.</p>
<b>Related Policies</b>	<p>ECU Equal Employment Opportunity Plan (<a href="https://oed.ecu.edu/eeo-and-hiring-practices/">https://oed.ecu.edu/eeo-and-hiring-practices/</a>)</p> <p>Notice of Nondiscrimination and Affirmative Action Policy (<a href="https://policy.ecu.edu/05/25/02">https://policy.ecu.edu/05/25/02</a>)</p> <p>EHRA Recruitment Compliance Review Process Standard Operating Practice (<a href="https://oed.ecu.edu/eeo-and-hiring-practices/">https://oed.ecu.edu/eeo-and-hiring-practices/</a>)</p> <p>Employment-Related Background Checks, Criminal Activity Reporting, and Applicant Salary History Policy (<a href="https://policy.ecu.edu/06/25/04">https://policy.ecu.edu/06/25/04</a>)</p> <p>ECU Employment of Related Persons (Anti-Nepotism) Policy (<a href="https://policy.ecu.edu/06/05/02">https://policy.ecu.edu/06/05/02</a>)</p> <p>UNC Policy Manual, Chapter 300.2.7[R] Regulation on Recruitment of Employees from Other Campuses within the University of North Carolina (<a href="https://www.northcarolina.edu/apps/policy/index.php">https://www.northcarolina.edu/apps/policy/index.php</a>)</p> <p>Code of the University of North Carolina,Chapter 100.1, Section 103, Equality of Opportunity in the University (<a href="https://www.northcarolina.edu/apps/policy/index.php">https://www.northcarolina.edu/apps/policy/index.php</a>)</p>

**Additional  
References**

Executive Order 11246, as amended (<https://www.dol.gov/agencies/ofccp/executive-order-11246/as-amended>)

Title 41: Public Contracts and Property Management, CFR Part 60-1 Obligations of Contractors and Subcontractors (<https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1>) (<https://www.ecfr.gov/current/title-41/part-60-1>)

Title 41 CFR Part 60-2 Affirmative Action Programs (<https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-2>)

Title 41 CFR Part 60-741 Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Individuals with Disabilities (<https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-741>)

Title 41 CFR Part 60-300 Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Active Duty Wartime or Campaign Badge Veterans, and Armed Forces Service Medal Veterans (<https://oed.ecu.edu/eeo-and-hiring-practices/>) (<https://oed.ecu.edu/eeo-and-hiring-practices/>)

Faculty Spousal and Domestic Partner Hire SOP (<https://oed.ecu.edu/eeo-and-hiring-practices/>)

Recruitment resources and strategies for affirmative recruitment (<https://oed.ecu.edu/eeo-and-hiring-practices/>)

**1. Introduction**

Described in this Regulation are recruitment, outreach and record keeping requirements necessary to fill any position classified as exempt from the State Human Resources Act (EHRA, formerly referred to as EPA) including faculty and non-faculty EHRA positions (and excluding Clinical Support Services positions). The purpose of this Regulation is to ensure compliance with Equal Employment Opportunity/Affirmative Action laws and policies and to provide consistency in the recruitment and selection process across the University.

**2. Covered Positions**

This Regulation applies to hiring for any EHRA position, including positions filled from within or outside the University (i.e., both internal searches and external searches), regardless of whether it is full-time or part-time, at-will or stated definite term, permanent or short-term. Such positions include EHRA senior academic and administrative officer (SAAO) positions (i.e., Vice Chancellors, Assistant Vice Chancellors, Deans, Assistant Deans, etc.); EHRA non-faculty instructional, research, and information technology positions (i.e., Directors, Academic Advisors, Counselors, Program Specialists, etc.); and EHRA faculty positions including fixed-term, probationary term (tenure track), and tenured. [The Department of Human Resources and the appropriate Division Office should be consulted prior to changes in a position's or individual's responsibilities (i.e. reclassifications, title changes, promotions, and reassignments, etc.).] This Regulation does not cover Clinical Support Services (CSS) positions.

**3. Recruitment Requirements**

3.1 Recruitment procedures and applicable exceptions are provided by the Standard Operating Practice (SOP) implementing this Regulation. Specifically, the EHRA Recruitment Compliance Review Process SOP, found at <https://oed.ecu.edu/eeo-and-hiring-practices/> (<https://oed.ecu.edu/eeo-and-hiring-practices/>), must be

followed in order to fill all EHRA positions lasting more than three days, except for some limited circumstances as provided in the SOP and based on the following exceptions, as permitted by applicable law:

- 3.1.1 Positions filled from within the University where no applicant external to the University has been considered for the position and hiring is made in compliance with the requirements found in the SOP; and
- 3.1.2 Positions at the director level or higher, with managerial roles, that (a) supervise two or more staff; (b) have the authority to hire, fire or promote employees or provide recommendations for those actions; and (c) exercise discretionary powers with department or University-wide policy making/decision authority (e.g., SAAO's).

Additional information regarding these exceptions may be found in the implementing SOP. Information about the process for hiring employees into positions with a duration of three days or less may be obtained from the appropriate Division Office or the Department of Human Resources.

3.2 Only the Associate Provost for Equity and Diversity or the Chancellor have authority to waive EHRA recruitment requirements.

3.3 In order to comply with federal equal opportunity laws, search committees and hiring authorities must strategically plan how the position will be advertised to best ensure recruitment/outreach efforts will generate a well-populated, diverse pool of qualified applicants (including females, racial/ethnic minorities, veterans and individuals with a disability) and ensure those efforts are documented in accordance with the SOP implementing this Regulation. Use of search firms is addressed in the SOP.

3.4 The implementing SOP is subject to periodic updates. Any such revisions will be conducted in consultation with the Office of University Counsel.

#### **4. Nondiscrimination**

4.1 All selection decisions must meet the nondiscriminatory requirements as stated in the University's Notice of Nondiscrimination and Affirmative Action Policy and Equal Employment Opportunity Plan. Standards and criteria must be objective, job-related and consistent with business necessity. Position descriptions and qualifications may not include biased or unlawful discriminatory language based on any of the University's protected classes as outlined in the ECU Notice of Nondiscrimination and Affirmative Action Policy. Units with positions that will require medical examinations or medical questionnaires as a contingency of employment must consult with the OED at the initiation of the search process to ensure compliance with applicable provisions regarding medical examinations and questionnaires and confidentiality of such information.

#### **5. Recruitment Record Keeping Requirements**

5.1 Units are required by law to maintain all documentation of their efforts to implement equal opportunity recruitment procedures for all EHRA positions. Search files (or selection files if no search required) must contain all search or selection materials, as appropriate, and be retained by the hiring department pursuant to the University's record retention schedule. Units that have received notice that a complaint of discrimination has been filed must maintain all relevant search and personnel records, including but not limited to related emails, until at least one year after final disposition of the complaint or, if requested by the Office of University Counsel, a longer period as so requested.

5.2 Requests for accommodations and/or any medical records or information about an applicant must be kept separate from any other personnel information and maintained in a confidential medical personnel file separate from the search file.

#### **6. Implementing Rulemaking Authority**

The Associate Provost for Equity and Diversity has the authority to issue and shall be responsible for approving and implementing University wide rules and/or standard operating practices necessary to carry out the requirements of this Regulation.

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