



**POLICY STATEMENT 11
EQUAL OPPORTUNITY**

POLICY DIGEST

Primary Monitoring Unit: Human Resources
Secondary Monitoring Unit: Chancellor
Initially Issued: May 29, 2011
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I. PURPOSE

The purpose of this policy statement is to assert Louisiana State University at Eunice’s commitment to provide equal opportunity for all qualified persons in admission to, participation in, or employment in the programs and activities which the University operates without regard to race, creed, color, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, mental or physical disability, or veteran’s status, as well as to implement a procedure to address complaints for those who believe they have been subjected to discrimination and/or harassment in violation of this policy.

II. POLICY

Louisiana State University at Eunice supports equal opportunity standards. The University requires that all employees and applicants receive fair consideration for employment and that all employees are treated fairly with regard to recruitment, promotions, demotions, transfers, layoffs, furloughs, terminations, rates of pay and other forms of compensation, tenure, training, and other employment practices. This policy statement also affirms the LSU Eunice’s policy regarding sexual harassment as outlined in the University’s Policy Statements on Sexual Harassment ([LSU Eunice PS-30: Policy on Sexual Harassment](#)) as well as its policies and procedures on Services for Persons with Disabilities as established in [LSU Eunice PS-44: Services for Persons with Disabilities](#).

LSU Eunice complies with the provisions of [Title IX](#), [Title VI](#), [Section 504 of the Rehabilitation Act of 1973](#), the [Age Discrimination Act of 1975](#), [Title VII](#), the [Age Discrimination in Employment Act \(ADEA\)](#), the [Americans with Disabilities Act \(ADA\)](#) and applicable state law. The Office of Human Resources Management is designated at LSU Eunice as responsible for coordinating the University’s compliance with these statutory provisions.

The University reaffirms and emphasizes its commitment to provide a workplace free from discrimination and harassment and to provide a means to address complaints of discrimination and/or harassment. LSU Eunice also reiterates its commitment and responsibility to protect its employees and students from discrimination, harassment, and retaliation for participating in the complaint process. This Policy Statement is not intended to infringe upon constitutionally guaranteed rights nor upon academic freedom. In considering allegations of discrimination and/or harassment, the University must be concerned with the rights of both the complainant

43 and the accused.

44 All complaints of discrimination and/or harassment will be addressed. Substantiated cases shall
45 result in appropriate discipline or other corrective action. The severity of the disciplinary action
46 shall be consistent with the seriousness of the act of discrimination and/or harassment.
47 Additionally, under appropriate circumstances, the University may take action to protect its
48 employees and students from harassment by individuals who are not employees of the
49 University.

50 The Chancellor, Vice Chancellors, Deans, Chairs, Directors, and all other supervisory
51 employees are responsible for assisting the University in the implementation of this policy.

52 Anyone having questions regarding this policy or a complaint regarding a possible violation of
53 this policy should contact the Office of Human Resource Management or Title IX Coordinator.

54 A. Complaint Options

55 Any member of the University community who believes they have been subjected to
56 discrimination and/or harassment in violation of this policy has a right and an obligation
57 to report the conduct to any University official, supervisor, or the Office of Human
58 Resource Management. No student or employee is required to report or make a
59 complaint of discrimination and/or harassment to the person who is engaging in the
60 problematic conduct.

61 Because discrimination and harassment may involve a wide range of behaviors and is,
62 in part, a function of the way in which such behaviors are perceived, the way in which a
63 given incident is appropriately treated depends on its effect upon the recipient as well as
64 upon the specific behavior itself. For example, simply informing the individual through
65 verbal or written communication that the behavior is unwelcome and should cease may
66 be sufficient to end it. If this is ineffective or the situation is such that an individual is
67 unwilling or unable to deal with it in this way, other means of addressing such concerns
68 are provided in this policy.

69 To ensure that situations that may involve discrimination and/or harassment are handled
70 appropriately, Vice Chancellors, Deans, Directors, Chairs, supervisory employees, and
71 any other University officials who receive a complaint or who become aware of a
72 possible violation of this policy will immediately notify the Office of Human Resource
73 Management for advice and assistance on how to respond to the complaint. The Office
74 of the Dean of Student Engagement is responsible for addressing complaints involving
75 student on student harassment and/or discrimination when neither the accused(s) nor
76 the accuser(s) are employees of the University.

77 If an individual believes that they have been subjected to discrimination and/or
78 harassment, the individual may make use of both the informal and formal resolution
79 procedures explained below.

80 B. Informal Procedure

81 Under the informal procedure, a complaint may be filed with the Office of Human
82 Resource Management, Vice Chancellors, Deans, Directors, Charis, or other
83 supervisory employees. Use of the informal procedure is optional, and the individual can

84 choose to bypass, discontinue, or initiate a formal complaint at any time during the
85 informal process. The complainant, the individual receiving the informal complaint, and
86 the Office of Human Resource Management will jointly determine how best to handle the
87 complaint. The information reported to the University related to a complaint will be
88 treated as confidentially as possible with only those with a need to know being informed
89 of the complaint.

90 C. Formal Procedure

91 If an individual opts to follow the formal procedure, an individual should file a complaint
92 with the Office of Human Resource Management. A formal investigation of the complaint
93 will be conducted to determine if sufficient evidence exists to conclude that a violation of
94 the University's policy has occurred. The individuals involved in the complaint will be
95 notified about its resolution.

96 All of these procedures will operate under the general principles of fairness and
97 confidentiality and will be used in a way that attempts to ensure that a charge of
98 discrimination and/or harassment is carefully reviewed to determine whether a violation
99 of this or related policies has occurred and to further provide that the rights of both the
100 complainant and the accused are protected. Substantiated violations of this policy will
101 result in appropriate discipline or corrective action. Furthermore, employees, students,
102 witnesses, and/ or other participants involved in the complaint, or its investigation are
103 protected from retaliation of any form. Any employee violating the prohibition against
104 retaliation may be subject to disciplinary action up to and including termination.

105 III. RECRUITMENT AND SELECTION

106 The University, through its recruitment and employment policies, will recruit and employ
107 qualified personnel and will provide equal opportunities during the selection process and
108 employment without regard to race, color, marital status, sexual orientation, gender identity,
109 gender expression, creed, religion, sex, national origin, age, mental or physical disability, or
110 veteran's status. The following guidelines are designed to achieve the recruitment and
111 placement objectives:

112 General Guidelines for Faculty, Classified, Other Academic, and Professional Positions

113 A. Position advertisements and selection criteria will be developed in direct relationship to
114 job requirements, University policies (ex. [LSU Permanent Memorandum-23: Ranks,
115 Provisions, and Policies Governing Appointments and Promotions of Academic Staff](#)),
116 and applicable University standards. Requests to create or fill vacant positions should
117 include a position justification and proposed job description that will be submitted to the
118 Office of Human Resource Management for review and additional administrative
119 approvals.

120 B. The recruitment process shall be conducted in a manner consistent with the goal of
121 attracting the strongest possible pool of applicants. The level and classification of the
122 vacancy along with the availability of funds for recruitment will determine the scope of
123 recruitment activities. Most full-time faculty and senior professional vacancies should be
124 advertised regionally and/or nationally. All advertisements must include the statement
125 "LSU Eunice is an Equal Opportunity/Equal Access Employer." Advertisements may
126 include a salary range. All advertisements, including the scope of advertising effort (i.e.

- 127 local, regional, or national) and the advertising sources used, must be formally submitted
128 to and approved by the Office of Human Resource Management prior to publishing.
- 129 C. All vacant regular full-time and part-time positions will normally be publicized at least
130 within the University to ensure that all interested and qualified employees are aware of
131 opportunities for promotion or transfer. Internal promotions are strongly encouraged.
132 Promotions to or in faculty rank must either result from a competitive external search or
133 part of the formal promotion and tenure review process.
- 134 D. The minimum time between publication of an ad and the application deadline for
135 Classified/Civil Service positions is 5 calendar days, and 14 calendar days for all other
136 positions. All vacancies should be advertised far enough in advance to attract an
137 adequate applicant pool.
- 138 E. All pre-employment selection procedures, including credential reviews, interviews and
139 reference checks, shall be conducted without regard to race, color, creed, marital status,
140 sexual orientation, gender identity, gender expression, religion, sex, national origin, age,
141 mental or physical disability, or veteran's status.
- 142 F. The use of search committees to fill vacancies is encouraged. This may include
143 members of the department, representatives from the Office of Human Resource
144 Management, external constituents, and/or members of other academic or administrative
145 departments. (Note: For faculty positions, the use of search committees does not
146 replace the requirement for a vote of the eligible voting faculty in accordance with LSU
147 Eunice [PS-12: Recruitment, Retention, Promotion, and Tenure of Faculty Members.](#))
- 148 G. Records pertinent to the employment decision (ex., copies of advertisements, letters of
149 application, resumes, replies to and from applicants, reference notes, interview notes,
150 selection criteria) must be retained in the employing department for at least three (3)
151 years from the date the position is filled, and if not filled, three (3) years from the date the
152 posting/application period closed and made available to the Office of Human Resource
153 Management upon request.
- 154 H. Certain demographic information is collected from the applicant online at the point of
155 application submission. To ensure accurate EEO data tracking and reporting, the hiring
156 unit should indicate the applicant dispositions in the Applicant Tracking System or send
157 the applicant dispositions to the Office of Human Resource Management.
- 158 I. The Office of Human Resource Management may randomly select positions for
159 monitoring and audit. This can occur pre- or post-selection. Selection procedures, as
160 well as applications and resumes submitted by applicants will be reviewed when
161 positions are monitored or audited.
- 162 J. Standard operating procedures for recruitment and selection of candidates shall be
163 maintained by the Office of Human Resource Management. Such procedures should be
164 reviewed annually to ensure that best practices are being applied to the recruitment and
165 selection process to afford equal employment opportunities to all candidates, and the
166 staffing needs of the University are fulfilled in a timely manner with the most qualified
167 candidates.

168 **IV. ACTING OR INTERIM APPOINTMENTS**

169 As a general matter, the University seeks to fill positions quickly with permanent hires. In some
170 instances, however, the University must make temporary appointments on an Interim or Acting
171 basis. "Interim" refers to a temporary appointment to a vacant post. "Acting" refers to a
172 temporary appointment congruent to another employee holding the permanent appointment but
173 is unavailable (ex. extended leave).

174 A. Non-Academic Administrator

175 While an Acting or Interim appointment for one year or less need not be advertised and
176 filled on a competitive basis, appointing officials are encouraged to conduct a search at
177 least within the University, department, or unit. Appointments of this nature must be
178 approved in advance by the Office of Human Resource Management and requisite
179 campus approvals must be obtained.

180 B. Academic Administrator

181 This sub-section pertains to administrative positions that are academic in nature.

182 1. While Acting or Interim appointments for one year or less need not be externally
183 advertised, they must be filled at least on a competitive basis internally to the
184 campus. Appointing officials are required to conduct a search at least within the
185 University, department, unit, or other overarching division, depending on the scope of
186 responsibility.

187 If a person to fill the permanent position has not been named, an Interim appointment may be
188 extended beyond one year. The hiring authority or designee for this case will solicit input from
189 constituency (e.g. faculty and staff in the unit or units of responsibility) and consider this input in
190 deciding to extend. If a person to fill the permanent position has not been named, an Interim
191 position can be extended beyond year two after considering the results of annual performance
192 review from the constituency and obtaining written authorization from the Chancellor or
193 designee.

194 **V. OTHER EXCEPTIONS TO THE ADVERTISING GUIDELINES (WAIVERS)**

195 In some circumstances, exceptions to the aforementioned guidelines may be permitted. In these
196 situations, the normal advertising requirements are not required or may be waived/limited.
197 Examples of situations in which advertising waivers may be approved include the following
198 personnel actions:

199 A. Visiting Faculty and Internship Appointments

200 If the internship program has been pre-approved by the Office of Human Resource
201 Management, appointments need not be advertised and filled on a competitive basis. If a
202 visiting faculty appointment will exceed one year, it must be advertised.

203 B. Temporary Appointments (180 days or less)

204 Such appointments need not be advertised unless they could result in a permanent
205 appointment. A waiver request is not required for appointment that will not exceed 180

206 days.

207 C. Promotions from within a Division, Department, or Unit (Non-faculty, Non-administrative)

208 When a vacancy occurs, the employing department may request an exception to the
209 advertising guidelines from the Office of Human Resource Management to promote an
210 employee who is currently employed within the department or unit where the vacancy
211 exists. All qualified employees in the department or unit where the vacancy occurs must
212 be considered for the promotion. After the department has selected the employee to fill
213 the position, the Office of Human Resource Management will, before approving the
214 appointment:

215 1. Review the qualifications of the position and determine if the selected employee
216 meets the minimum qualifications required for the position,

217 2. Review the qualifications of all other qualified employees within the department or
218 unit who have applied for the position, and

219 NOTE: Promotions to or in faculty rank must either result from a competitive external
220 search or part of the formal promotion and tenure review process as defined in [LSU](#)
221 [Eunice PS-12](#). Advertisement may not be waived.

222 D. Extraordinary Circumstances

223 Where justified, an exception to the normal advertising guidelines may be granted in any
224 extraordinary circumstance (ex. candidate possesses unique exceptional qualifications).
225 It will be incumbent upon the hiring authority to provide justification and appropriate
226 documentation where applicable. In cases related to academic administrative positions,
227 written authorization must be obtained from the Vice Chancellor for Academic Affairs
228 and Provost and the Chancellor or designee. The Office of Human Resource
229 Management will review exception requests for all other positions.

230 Any questions pertaining to this Policy Statement should be directed to the Office of
231 Human Resource Management.