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III-9.6 Equal Employment Opportunity Guidelines

III-9.6 Affirmative Action Employment Guidelines

(Provost 3/6/72; 9/93; 9/97; 9/02; 3/04; 5/04; 11/04; 2/16; 6/19; 6/17/22; 7/25/23; 6/1/24; 7/1/25)

Effective **July 1, 2025**, and July 25, 2023, this policy has been revised. For the most current version without redlining, return to [III-9.6](#).

The guidelines below are followed in the filling of all open positions:

- a. Records of efforts made to locate ~~qualified women and minority group members candidates~~ (e.g., individuals contacted, published notices, and copies of letters) are kept by office and departmental administrative personnel for review.
- b. Notices.

- (1) Notices of available positions are published in local, regional, and national publications/websites where appropriate.
- (2) Notices may not specify any preference, limitation, or specification based on sex unless sex is a bona fide occupational qualification for the available position.

- (3) Equal employment opportunity (EEO) tagline. To ensure compliance with federal ~~and state laws and regulations of the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)~~, university departments shall include the following EEO tagline in all new external job announcements, advertisements, postings, and solicitations for nominations for all employment vacancies at the University of Iowa. The university's jobs.uiowa.edu website, and any other job portal website utilized by the University of Iowa, shall also include the following EEO tagline:

"The University of Iowa is an equal opportunity~~affirmative action~~ employer. All qualified applicants are encouraged to apply and will receive consideration for employment free from discrimination on the basis of race, creed, color, religion, national origin, age, sex, pregnancy (including childbirth and related conditions), disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, ~~gender identity~~; or associational preferences."

Questions regarding the appropriate usage of the EEO tagline may be directed to the **Senior Director**, Office of Civil Rights Compliance (OCRC), 202 Jessup Hall, 319-335-0705, ui-ocrc@uiowa.edu.

- (4) ~~A professional and scientific or administrative position is requested from University Human Resources; after which it is advertised for a minimum of ten business days. Departments are notified of the earliest date on which the position may be filled. A Merit System position is requested from University Human Resources after which it is advertised for a minimum of 10 calendar days.~~

Hiring departments submit requests to post positions through University Human Resources (for professional and scientific including SEIU, administrative, and Merit System requests) and the Office of the Provost (for faculty requests). Upon approval, faculty, professional and scientific including SEIU, or administrative positions advertise for a minimum of 7 calendar days and Merit System positions advertise for a minimum of 10 calendar days.

- (5) Creation of professional and scientific staff positions is accomplished by submitting the appropriate requisition through the designated university hiring system for review and approval. Faculty, ~~and~~ professional and scientific, ~~and Merit System~~ positions that are 50 percent or more time and extend for one year or more require a ~~standard~~ search which must comply with the ~~affirmative action~~ equal employment opportunity procedures at the university. Please ~~consult the Office of Civil Rights Compliance's Recruitment Manual for faculty and professional and scientific searches or~~ contact the Office of Civil Rights Compliance for more information about search requirements and procedures.

- c. Application and appointment forms do not require different information for subgroups of applicants (e.g., men and women).

- d. Information requested ~~during interviews is the same for all candidates from job~~ candidates should be consistent.

- e. Salaries are determined on the basis of merit ~~only~~. Such factors as marital status, number of dependents, spouse or partner's income, or other sources of income are not considered in ~~setting determining~~ salaries.

- f. Employment of relatives. See III-8 Conflict of Interest in Employment (Nepotism).

- g. ~~Affirmative Action and Tenure. See III-10.1 Tenure and Non-Tenure Appointments: Faculty appointments. See III-10.4.~~

- h. Employment of individuals with disabilities.

- (1) Applicable federal and state law prohibits discrimination against qualified individuals with disabilities in employment practices such as job application procedures, hiring, promotion, discharge, compensation, training, benefits, and other conditions of employment. See also II-7 Disability Protection Policy. For more information about accommodations and about when an essential job functions analysis is required, please contact University Faculty and Staff Disability Services.

- (2) For information about job application and employment of individuals with disabilities, see <https://hr.uiowa.edu/support/faculty-and-staff-disability-services>.

- (3) For information about complaints of ~~disability~~ discrimination, see <https://ocrc.uiowa.edu/disabilities>.

- i. Temporary appointments.

- (1) A temporary appointment is considered a short-term appointment ~~to meet an emergency, such as when a position is vacated unexpectedly, or~~ to meet temporary needs of the university.

- (a) ~~P&S staff~~. Temporary appointments may be made for ~~one year or less~~ up to 2 fiscal years to a ~~faculty or~~ professional and scientific position that is ~~50~~ 75 percent (~~±040~~ 1560 hours) or more time without the requirement of ~~an affirmative action~~ a standard search. ~~Affirmative action searches are not required for faculty or professional and scientific positions that are less than 50 percent time (±040 hours); regardless of the length of appointment.~~ Temporary appointments of less than ~~50~~ 75 percent (~~±040~~ 1560 hours) will not be subject to the ~~one-year~~ 2-year appointment limitation.

If during the term of the 75 percent (1560 hours) or greater temporary appointment the department anticipates the position extending beyond 2 fiscal years, then ~~an affirmative action~~ a standard search must be completed as soon as possible and completed prior to the end of the second fiscal year. ~~An affirmative action~~ A standard search also must be completed if a temporary appointment of less than 75 percent (1560 hours) is increased to 75 percent (1560 hours) or more time and exceeds the temporary hours limit for 2 consecutive fiscal years. Exceptions include appointments in classifications experiencing a labor shortage as determined by University Human Resources.

Limited extensions of temporary appointments of 75 percent (1560 hours) or more time beyond 2 fiscal years are permitted in extenuating circumstances with the prior approval of the Chief Human Resources Officer or designee.

- (b) Faculty. Temporary appointments may be made for one year or less to a faculty position that is 50 percent or more time without the requirement of ~~an affirmative action~~ a standard search. Temporary appointments of less than 50 percent will not be subject to the one-year appointment limitation, except for visiting faculty appointments which have a 3-year maximum.

If during the term of the 50 percent or greater temporary appointment the department anticipates the position extending beyond one fiscal year, then ~~an affirmative action~~ a standard search must be completed as soon as possible and completed prior to the end of the fiscal year. An affirmative action search also must be completed if a temporary appointment of less than 50 percent is increased to 50 percent or more time and exceeds the initial one-year appointment.

Limited extensions of temporary appointments of 50 percent or more time beyond one year are permitted in extenuating circumstances with the prior approval of the Office of the Provost.

- (2) ~~If during the term of the 50 percent (±040 hours) or greater temporary appointment the department anticipates the position extending beyond one year, then an affirmative action search must be completed as soon as possible and no later than within one year of the start of the initial temporary appointment. An affirmative action search also must be completed in the event that a temporary appointment of less than 50 percent (±040 hours) is increased to 50 percent (±040 hours) or more time and is expected to extend beyond the initial one-year temporary appointment. Exceptions include appointment in classifications designated on an annual basis by Compensation and Classification as experiencing a labor shortage.~~

- (3) ~~Affirmative action~~ Standard searches are not required for regular faculty or professional and scientific positions that are less than 50 percent time (1040 hours), regardless of the length of appointment, or for temporary faculty or professional and scientific positions. However, these appointments do require a [Temporary/Other Job Posting](#) for at least 3 calendar days unless the position meets one of three exceptions:

- (a) Executive/senior management position, which correlates with the FLSA's white-collar exemption and includes professional and scientific positions at pay level 6 or higher, and faculty administrative positions (department executive officer, director, dean, assistant/associate dean, division head, assistant/associate provost, and institutional officers (i.e., positions with an FI job code).

- (b) Internal hires, openings for which no consideration will be given to applicants from outside the university, including those that the university proposes to fill from regularly established recall lists. This exception no longer applies to a particular opening if the university decides to consider applicants from outside the university. Internal hires include current university employees; former university employees who left in good standing within the prior 24 months; student positions that require candidates to be a current university student (undergraduate/graduate research/teaching assistants, work-study positions); university retirees returning to the same department and/or in a similar role to that which they held within the prior 24 months; university employees or former employees participating in the university's layoff program; university employees or former employees eligible for recall/transfer/promotion as part of a collective bargaining agreement.

- (c) Positions lasting 3 days or less.

- (4) ~~Limited extensions of temporary appointments of 50 percent (±040 hours) or more time beyond one year are permitted in extenuating circumstances with the prior approval of the Office of Institutional Equity.~~

- (5) ~~Temporary appointments held by retirees are subject to the standards outlined above, with the exception of those classifications designated on an annual basis by Compensation and Classification to be experiencing a labor shortage.~~

- (6) In consultation with campus partners, the Office of Civil Rights Compliance establishes ~~and regularly reviews~~ search procedures for ~~affirmative action~~ standard searches. Contact the Office of Civil Rights Compliance for more information ~~about search procedures~~.

- (7) Contact University Human Resources–Talent Acquisition for more information about temporary/other job postings for temporary positions.

Review

THE AMERICANS WITH DISABILITIES ACT (ADA)

(Adapted from the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice Civil Rights Division)

1. Who qualifies as a disabled individual under the ADA?

The ADA defines an individual with a disability as a person who:

- a. has a physical or mental impairment that substantially limits one or more major life activities;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

2. What practices and activities are covered by the employment nondiscrimination requirements of the ADA?

The ADA prohibits discrimination in all employment practices including job application procedures, hiring, firing, promotion, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

3. Does an employer have to give preference to a qualified applicant with a disability over other applicants?

No. An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to disability.

4. What is a "reasonable accommodation"?

Reasonable accommodation is any modification or adjustment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

5. When is an accommodation unreasonable?

An employer is not required to implement an accommodation that would impose an undue hardship. An undue hardship is an action or accommodation that would require significant difficulty or expense in relation to the size of the employer. If it is found that a particular accommodation would impose an undue hardship, the employer must consider whether there are alternative accommodations that would not impose such hardship.

6. What about health and safety standards?

The ADA permits employers to establish qualification standards that exclude individuals who pose a direct threat — i.e., a significant risk of substantial harm — to the health or safety of the individual or of others, if that risk cannot be eliminated or reduced below the level of a "direct threat" by reasonable accommodation. The employer must establish through objective, medically supportable methods that there is significant risk that substantial harm could occur in the workplace.

The ADA recognizes the need to balance the interests of people with disabilities with the legitimate interests of employers in maintaining a safe workplace. That goal is realized by requiring employers to make individualized judgments based on reliable medical or other objective evidence rather than on generalizations, ignorance, fear, patronizing attitudes, or stereotypes.

7. What about performance standards?

In the performance of essential job functions, with or without reasonable accommodations, an employer can hold employees with disabilities to the same standards of production/performance as other similarly situated employees without disabilities.

8. What impact does the ADA have on interviewing practices?

The ADA prohibits employers from asking a job applicant any questions that would cause the applicant to disclose a disability or medical condition. Interview questions must focus on the applicant's ability to perform the essential functions of the job. Interviewers may not ask an applicant if he or she has a disability or needs an accommodation to perform the essential functions of the job. If the applicant volunteers that he or she needs an accommodation to perform the essential functions of the job, an interviewer may ask about the type of accommodation needed by the applicant. The interviewer may not, however, ask any follow-up questions about the applicant's disability or medical condition.

See also II-1, II-7, and II-8.