

AFFIRMATIVE ACTION AND UC'S EMPLOYMENT PRACTICES



UNIVERSITY OF CALIFORNIA
OFFICE OF THE PRESIDENT

HUMAN RESOURCES & BENEFITS
OFFICE OF EMPLOYEE PROGRAMS & DIVERSITY
AND

ACADEMIC ADVANCEMENT
OFFICE OF ACADEMIC COMPLIANCE

University of California Nondiscrimination and Affirmative Action Policy Statement

The University of California prohibits discrimination against or harassment of any person employed by or seeking employment with the University on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran¹.

The University of California is an affirmative action/equal opportunity employer. The University undertakes affirmative action to assure equal employment opportunity for minorities and women, for persons with disabilities, and for covered veterans.

University policy is intended to be consistent with the provisions of applicable State and Federal laws.

¹ *Covered veterans are special disabled veterans, recently separated veterans, Vietnam era veterans, or any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.*



AFFIRMATIVE ACTION AND UC'S EMPLOYMENT PRACTICES



The University of California is an equal opportunity/affirmative action employer in compliance with Federal affirmative action regulations that apply to Federal contractors. UC is also required to comply with the provisions of Article 1, Section 31 of the California Constitution (Proposition 209) which prohibits discrimination against, or preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.

On May 16, 2001, The Regents adopted RE-28, rescinding Regents' Resolution SP-2, and affirming the University of California's commitment to equal treatment in employment without regard to race, sex, color, ethnicity, or national origin.



QUESTIONS & ANSWERS

1. ***Q: Does the University still have an employment affirmative action program?***

A: Yes. The University is a Federal government contractor and therefore is covered by regulations that apply to Federal contractors which require compliance with affirmative action laws and regulations, including an affirmative action program at each UC location (campuses, laboratories, the Office of the President, and the Division of Agriculture and Natural Resources).

2. ***Q: What is an affirmative action program?***

A: A central premise underlying affirmative action is that, absent discrimination, over time an employer's workforce, generally, will reflect the gender, racial, and ethnic profile of the labor pools from which the employer recruits and selects. An affirmative action program is a management tool designed to ensure equal employment opportunity, and includes those policies, practices, and procedures that the University implements to ensure that all qualified applicants and employees are receiving an equal opportunity for recruitment, selection, advancement, training, development, and every other term, condition, and privilege of employment.

6. Q: Generally, what does an affirmative action program contain?

A: An affirmative action program contains quantitative analyses designed to evaluate the composition of the University workforce and compare it to the composition of the relevant external labor pools; action-oriented programs with specific practical steps to address underutilization of minorities and women (if women and minorities are not being employed at a rate to be expected given their availability in the relevant external labor pools); internal auditing and reporting systems to measure the University's progress in hiring minorities and women; and mechanisms to monitor the University's employment decisions in order to evaluate the impact of those decisions on minorities and women.

7. Q: Can the University consider race, ethnicity, or sex in employment practices such as hiring training promotion, or compensation?

A: No. Consideration of race, ethnicity, or sex in any employment practice is not permitted under University policy in compliance with nondiscrimination laws.

8. Q: Are there any circumstances under which race, ethnicity, or sex can be considered?

A: Yes. Under the Federal regulations, UC is required to collect and analyze data on the race and sex of employees and applicants for employment, in order to identify areas where the percentage of minorities and women employed is less than would be reasonably expected given their availability. The University is required to establish placement goals for hiring women and minorities in those areas.

9. Q: *What is the difference between quotas and placement goals?*

A: Quotas are either a ceiling or a floor for the employment of minorities or women. Placement goals are reasonably attainable objectives or targets that are used to measure progress toward achieving equal employment opportunity.

10. Q: *What does the University do to meet its placement goals?*

A: The Federal regulations require the University to make good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results. Good faith efforts include broad advertising of job openings; supplemental inclusive outreach efforts to ensure that all qualified candidates, including minorities and women, are represented in applicant pools; and careful monitoring of outreach, recruitment, search and selection practices to ensure that equal opportunity is provided at every stage of these processes.

11. Q: *Do good faith efforts include extending preferences in hiring minorities and women when trying to meet placement goals?*

A: No. According to the Federal regulations, placement goals do not provide a justification to extend a preference to any individual on the basis of that person's race, ethnicity, or sex.

12. Q: Will setting placement goals lead to preferences in hiring?

A: No. According to the Federal regulations, placement goals do not create job set-asides for specific groups, nor are they intended to achieve proportional representation or equal results.

13. Q: Can the University hire less qualified individuals in order to meet its placement goals?

A: No. Placement goals may not be used to supersede merit selection principles or as a justification for hiring a less qualified individual in preference to a more qualified individual. UC's policy is to select the individual who possesses the qualifications to perform the duties of the position most effectively.

14. Q: How can a diverse University workforce be achieved without taking into consideration race, ethnicity, sex, etc.?

A: Although UC is prohibited from considering race, ethnicity, sex, etc. in its employment practices, the Federal regulations require the University to make good faith efforts to remove identified barriers to employment, expand employment opportunities, and eliminate discrimination. By undertaking these efforts, UC can make progress towards achieving a diverse workforce through affirmative action.

16. Q: How can the University express its value of diversity in employment practices?

A: All employees, regardless of race, ethnicity, sex, etc., can be encouraged to support the University's values of diversity and inclusiveness in the workplace. Job advertisements can state that a requirement for the position is experience and skills necessary for working in a multi-cultural environment or with a racially and ethnically diverse service population. Employees who demonstrate good cross-cultural skills or take initiative to promote diversity programs can be rewarded through performance evaluations, special recognition programs, compensation, and promotion.

17. Q: Can advertisements for University positions specifically encourage minorities and women to apply?

A: Yes. The Federal regulations require that advertisements must state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. University policy requires that advertisements must also state that UC is an "Equal Opportunity/Affirmative Action Employer" or that "All qualified applicants, including minorities and women, are encouraged to apply."

18. Q: Are managers accountable for meeting affirmative action objectives?

A: Yes. Managers at all levels are responsible for understanding their location's affirmative action program and making good faith efforts toward providing equal opportunity in the workplace.

19. Q: *What are the University's policies on employment nondiscrimination and affirmative action, and where can they be located?*

A: UC currently has two President's policies on affirmative action and nondiscrimination, entitled "University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment" and "Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices". These two policies state that in accordance with State and Federal law, UC does not discriminate on specified enumerated bases; undertakes affirmative action for minorities and women, for persons with disabilities, and for specified covered veterans; and prepares and maintains written affirmative action plans.

These policies can be accessed on the web at:

<http://www.ucop.edu/ucophome/coordrev/policy/4-01-99att1.html>

<http://www.ucop.edu/ucophome/coordrev/policy/4-01-99att2.html>

In addition, UC has academic and staff personnel policies covering nondiscrimination and affirmative action, as well as personnel policies relating to affirmative action, such as policies on recruitment, selection, promotion, and employee development. These personnel policies are consistent with applicable State and Federal law.

Academic personnel policies can be accessed on the web at:
<http://www.ucop.edu/acadadv/acadpers/apm/welcome.html>;
Staff personnel policies can be accessed at:
<http://www.ucop.edu/humres/policies>.

20. Q: *What are the Federal affirmative action regulations with which the University must comply?*

A: The Federal regulations are entitled “Affirmative Action Program Requirements for Federal Contractors” and can be found in the Code of Federal Regulations Volume 41, Part 60-2 – Affirmative Action Programs. Copies may also be obtained by contacting either a local or universitywide Affirmative Action Office or on the web at:
http://www.dol.gov/esa/public/ofcp_org.htm.

21. Q: *Who can be contacted for more information about the University's policies on affirmative action and nondiscrimination?*

A: For information about staff personnel, contact the local Staff Affirmative Action Officer, or the universitywide staff affirmative action administrator:

Mattie L. Williams
Director—Employee Programs & Diversity
(510) 987-0865
E-mail: Mattie.Williams@ucop.edu

For information about academic personnel, contact the local Academic Affirmative Action Officer, or the universitywide academic affirmative action administrator:

Sheila O'Rourke
Executive Director—Academic Compliance
(510) 987-9499
E-mail: Sheila.ORourke@ucop.edu





University of California
Human Resources and Benefits

1M



5089 8/02