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| Guidance on | Academic and Staff Affirmative Action Compliance Programs |
| Related Policy: | N/A |
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| | Academic | Staff |
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Guidelines for Academic and Staff Affirmative Action Compliance Programs for Minorities and Women, Individuals with Disabilities, and Protected Veterans

I. SUMMARY

These guidelines outline the policy of the University, as a Federal contractor, to develop and implement written affirmative action compliance programs in order to assure applicants and employees the right to equal employment opportunities.

II. DEFINITIONS

N/A

III. GUIDELINE TEXT

A. General

Pursuant to the University's [Discrimination, Harassment, and Affirmative Action in the Workplace](#) policy and in accordance with applicable State and Federal law, the University will not engage in discriminatory practices against any person employed or seeking employment because of race, color, national origin, religion, sex, gender, gender expression, gender identity, gender transition status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age,

sexual orientation, citizenship, or service in the uniformed services, including protected veterans.

In conformance with Federal regulations, written affirmative action plans will be prepared and maintained by each campus of the University, the Lawrence Berkeley National Laboratory (Laboratory), the Office of the President (UCOP), and the Division of Agriculture and Natural Resources (ANR). Such plans will be reviewed and approved by the Office of the President and approved as to legal form by the Office of the General Counsel before they are officially promulgated.

B. Responsibilities of the Office of the President

1. The Provost and Executive Vice President for Academic Affairs and the Executive Vice President–Chief Operating Officer are responsible for the coordination and review of the University's equal employment opportunity policy and the University's affirmative action compliance programs.
2. The Provost and Executive Vice President for Academic Affairs and the Executive Vice President–Chief Operating Officer shall:
 - a. Review all University policies affecting personnel to provide equitable treatment for all employees, consistency with legal requirements for nondiscrimination and equal employment opportunity, and compliance with affirmative action requirements.
 - b. Request reports on campus, Laboratory, UCOP, and ANR affirmative action compliance programs and activities, as necessary, to meet Federal, State, Regental, and Presidential review needs.
 - c. Assist in developing availability and workforce data, developing training and development programs, and conducting analyses, as necessary.
 - d. The Executive Vice President–Chief Operating Officer shall develop and administer the Affirmative Action Plan for UCOP, to be updated on an annual basis.

C. Responsibilities of the Chancellors, Laboratory Director, and Vice President–Division of Agriculture and Natural Resources

Each Chancellor, the Laboratory Director, and the Vice President–Division of Agriculture and Natural Resources shall, in accordance with these guidelines, develop and administer a written affirmative action plan, to be updated on an annual basis. These plans shall include all required elements of an affirmative action compliance program as prescribed under Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended (Section 503); and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA).

D. Required Components of Affirmative Action Plans¹

1. **Executive Order 11246** AAPs must include²:
 - a. An **organizational profile** (workforce analysis or organizational display).
 - b. A **job group analysis** that combines jobs with similar content, wage rates, and opportunities to form job groups.
 - c. A utilization analysis that includes the placement of the University's employees into the job groups, the determination of the **availability** for the employment of minorities and women for the job groups, and a comparison of their incumbency in the job groups to their availability for those job groups.
 - d. If the utilization analysis reveals underutilization, each location must establish **placement goals**. Placement goals serve as reasonably attainable objectives and are also used to measure progress toward achieving equal employment opportunity.
 - e. **Designation of responsibility** to ensure the effective implementation of the AAP.
 - f. **Identification of problem areas** that are impediments to equal employment opportunity, including evaluation, by organizational unit and job group, of the utilization and placement of minority and female employees in the workforce.
 - g. g. If problem areas are identified, a description of **action-oriented programs** to eliminate problems and to attain established goals and objectives.
 - h. Description of an **internal audit and reporting system** to measure the effectiveness of the total affirmative action program.
 - i. i. **Documentation** of analyses and support data used to identify problem areas.
 - j. j. The prior year's **personnel activity data**.
2. **Section 503** AAPs must include³:
 - a. An Equal Employment Opportunity policy statement.
 - b. Documentation that the University reviews personnel processes to ensure careful, thorough, and systematic consideration of individuals with disabilities for job vacancies, promotions, and training opportunities.
 - c. Documentation that the University periodically reviews all physical and mental job qualification standards to ensure that any qualification standard that screens out or tends to screen out qualified individuals with disabilities is job-related and consistent with business necessity.

¹ See OFCCP [Technical Assistance Guide for Educational Institutions](#)

² See generally 41 CFR part 60-2.10(b)

³ See generally 41 CFR part 60-741.44

- d. Confirmation of compliance with reasonable accommodation requirements, both as a matter of nondiscrimination and as a matter of affirmative action.
- e. Documentation of procedures to ensure that its employees are not harassed on the basis of disability.
- f. Documentation of external dissemination of EEO policy.
- g. Documentation of internal dissemination of EEO policy.
- h. Documentation and assessment of the University's outreach and positive recruitment activities that are reasonably designed to be effective in recruiting qualified individuals with disabilities.
- i. Description of internal audit and reporting system to measure the effectiveness of its total AAP.
- j. Designation of responsibility to direct, manage, and ensure the implementation of the AAP.
- k. Documentation of training provided to all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes about the University's EEO obligations and affirmative action commitments under Section 503.
- l. Documentation of the University's annual evaluation of the utilization of individuals with disabilities compared to the established utilization goal⁴, identification of problem areas, and establishment of action-oriented programs to correct any identified problem areas.
- m. Documentation that the University extends an invitation for voluntary self-identification as an individual with a disability at the pre-offer and post-offer phases of the hiring process, as well as to all of its employees every five (5) years.
- n. Documentation of the Section 503 data collection analysis, which requires the University to document and update the following information annually as part of its AAP.
 - The total number of applicants for all jobs.
 - The total number of applicants hired.
 - The number of applicants who self-identified as individuals with disabilities or are otherwise known to be individuals with disabilities.
 - The number of applicants with disabilities hired.
 - The total number of job openings and the total number of jobs filled.

3. **VEVRAA** AAPs must include⁵:

⁴ The utilization goal for employment of qualified individuals with disabilities is established by OFCCP (41 CFR 60-741.45 (a))

⁵ See generally 60 CFR 60-300.44

- a. An Equal Employment Opportunity policy statement.
- b. Documentation that the University reviews personnel processes to ensure careful, thorough, and systematic consideration of protected veterans for job vacancies, promotions, and training opportunities.
- c. Documentation that the University periodically reviews all physical and mental job qualification standards to ensure that any qualification standard that screens out or tends to screen out qualified disabled veterans is job-related and consistent with business necessity.
- d. Confirmation of compliance with reasonable accommodation requirements, both as a matter of nondiscrimination and as a matter of affirmative action.
- e. Documentation of procedures to ensure that its employees are not harassed because of their status as a protected veteran.
- f. Documentation of external dissemination of its EEO policy.
- g. Documentation of internal dissemination of its EEO policy.
- h. Documentation and assessment of the University's outreach and positive recruitment activities that are reasonably designed to be effective in recruiting qualified protected veterans.
- i. Description of internal audit and reporting system to measure the effectiveness of its total AAP.
- j. Designation of responsibility to direct, manage, and ensure the implementation of the AAP.
- k. Documentation of training provided to all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes about the University's EEO obligations and affirmative action commitments under VEVRAA.
- l. Documentation of the annual hiring benchmark established by the University.⁶
- m. Documentation that the University extends an invitation for voluntary self-identification as a protected veteran at both the pre-offer and post-offer phases of the hiring process.
- n. Documentation that the University complies with the requirement to list its employment openings with the appropriate employment service delivery system (ESDS).
- o. Documentation of the VEVRAA data collection analysis, which requires the University to document and update the following information annually as part of its AAP.
 - The total number of applicants for all jobs.
 - The total number of applicants hired.

⁶ OFCCP publishes this percentage every year on its website.

- The number of applicants who self-identified as protected veterans or are otherwise known as protected veterans.
- The number of protected veteran applicants hired.
- The total number of job openings and total number of jobs filled.

3. Application of Personnel Policies

Personnel actions dealing with recruitment, appointment, promotion, transfer, merit increase, employee training and development, and separation are of critical importance to the success of the University's equal employment opportunity and affirmative action compliance programs. The education, experience, skill, knowledge, and any other qualifications required for a position shall be limited to those qualifications directly related to the satisfactory performance of the duties and responsibilities of the position, and shall be periodically reviewed. The following guidelines shall be observed:

A. Recruitment

Current methods of outreach and recruitment shall be reviewed and, when necessary, new or modified methods shall be introduced in order to broaden the scope of the search. Good faith affirmative action efforts shall be undertaken to recruit minority and women applicants for those job groups and units where underutilization has been determined to exist. Affirmative action outreach and recruitment efforts shall be undertaken also for individuals with disabilities and for protected veterans.

B. Selection

Selections for appointment of individuals who possess the qualifications required to perform the duties of the positions most effectively shall assure continuation of University standards of excellence. No applicant may be denied employment, nor shall any applicant be selected for employment in preference to an equally or more qualified candidate, on the basis of race, religion, ethnicity, color, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. Equal opportunity for employment shall be assured for men and women in job groups that have traditionally been identified with one sex.

C. Promotion

Promotions shall be decided in accordance with the appropriate University policy in a manner which shall assure continuation of University standards of excellence.

Opportunity for promotion shall be available equally to all eligible employees without regard to race, religion, ethnicity, color, sex, national origin, disability, or status as a protected veteran. No employee may be denied a promotion, nor shall any employee be selected for a promotion in preference to an equally or more qualified applicant, on the basis of race, religion, ethnicity, color, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

D. Transfer

All transfers of employees shall be handled in accordance with University procedures and shall be without regard to race, religion, ethnicity, color, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

E. Merit Increase

Merit increases are to be awarded to academic employees on the basis of academic attainment, experience, and performance. Merit increases for staff employees are to be awarded on the basis of performance. No merit increases may be awarded or denied to employees on the basis of race, religion, ethnicity, color, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

F. Employee Training and Development

Employee training and development opportunities provided for employees shall be available without regard to race, religion, ethnicity, color, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

G. Separation

All separations shall be decided in accordance with the appropriate University policy and shall be without regard to race, religion, ethnicity, color, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

IV. COMPLIANCE/RESPONSIBILITIES

Written affirmative action plans will be submitted annually from each campus of the University, the Laboratory, UCOP, and ANR to the Office of the President and the Office of the General Counsel.

Each location is responsible for ensuring that all personnel actions are handled in accordance with University policies and for preventing and appropriately responding to any reports of discrimination, harassment or retaliation against an individual or group of individuals on any of the bases described above.

V. PROCEDURES

N/A

VI. RELATED INFORMATION

- [Discrimination, Harassment, and Affirmative Action in the Workplace](#)
- Academic Personnel Manual Policy 035 (APM-035): Affirmative Action and Nondiscrimination in Employment

- Academic Personnel Manual Policy 015 (APM-015): The Faculty Code of Conduct
- [Personnel Policies for Staff Members 20 \(Recruitment and Promotion\)](#)

VII. FREQUENTLY ASKED QUESTIONS

N/A

VIII. REVISION HISTORY

Changes effective as of **June 4, 2020**:

- Remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.
- Reformatted into the standard University of California guidelines template.
- Updated web and document links, responsible party titles, and typographical amendments.
- Updated for legal and regulatory requirements prescribed under Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended (Section 503); and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA).

As a result of the issuance of these guidelines, the following guidelines are rescinded as of the effective date of these guidelines and are no longer applicable:

- University of California Guidelines for Academic and Staff Affirmative Action Compliance Programs for Minorities and Women, Individuals with Disabilities, and Special Disabled and Vietnam Era Veterans, dated May 12, 2000.