

# National University

## Affirmative Action Plan

This Affirmative Action Plan and Equal Employment Opportunity document (AAP/EEO Program) is an integral part of National University's continuous diversity enhancement plan and process.

AFFIRMATIVE  
ACTION PLAN

NATIONAL UNIVERSITY  
1993

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DOCUMENT (AAP/EEO PROGRAM) IS AN INTEGRAL PART OF NATIONAL  
UNIVERSITY'S CONTINUOUS DIVERSITY ENHANCEMENT PLAN AND PROCESS.

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## POLICY STATEMENT

It is the policy of National University to provide equal employment opportunity to all people without regard to race, religion, color, sex, age, disability, marital status, sexual orientation, veterans status, national origin or other factors not related to the ability to do the job. This policy incorporates by reference the requirements of Federal Executive Orders 11246 and 11375, as amended; Title IX of the Educational Act of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; Section 402, Vietnam Era Veterans Readjustment Assistance Act of 1974; Equal Pay Act of 1963, as amended; Age Discrimination Acts of 1967 and 1978; Americans With Disabilities Act of 1991; state and federal Family Leave Acts and other applicable federal statutes; as well as pertinent laws regulations, and executive directives of the State of California.

National University maintains and promotes this non-discrimination policy as an integral part of the University's Continuous Diversity Enhancement Plan and Process. The Affirmative Action Plan (AAP) is a University document, with the force of policy on every level of activity affecting University employees. The Affirmative Action Plan and Equal Employment Opportunity Program is subject to amendment based upon experience and continuous interpretation of the laws of the United States, the State of California, and the policies of the University. Regardless of shifts in the legal ground upon which it is based, this document stands as a statement of National University's moral commitment to the right of all persons to equal employment opportunities in a non-discriminating atmosphere. It is the responsibility of every member of the university community to ensure that all employees are placed, upgraded, promoted, terminated, and otherwise treated without discrimination.

### AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY GOALS:

The National University Affirmative Action Plan and Equal Employment Opportunity program (AAP/EEO) is designed not only to enhance equal employment opportunities, but also to provide: 1) programmatic procedures to eliminating all unjust, exclusionary employment practices, policies, and consequences; 2) educational and training programs for all employees, with due emphasis on valuing and managing diversity; 3) personnel policies, practices, and career ladders to assist and encourage upward mobility of employees; and 4) mechanisms for swift and judicious resolution of problems of human rights discrimination, consistent with University policies and other legal statutes.

## AFFIRMATIVE ACTION PLAN/EEO OBJECTIVES:

The specific objectives of the University's AAP/EEO program are as follows:

- 1) To ensure equal employment opportunity to every applicant and employee;
- 2) To determine if there is deficiency in the utilization of protected groups;
- 3) To overcome any identified deficiencies in the utilization of protected group members in all campus departments, schools and regions at all levels of responsibility;
- 4) To ensure that the University works conscientiously to seek applications for employment from members of protected groups;
- 5) To ensure that stated requirements for all positions are essential to the effective performance of the duties of those positions;
- 6) To encourage and assist employees in those professional and technical activities which qualify them for promotions;
- 7) To ensure that employees from protected groups are encouraged to take advantage of opportunities for advancement;
- 8) To ensure that the work environment is free from both discrimination and harassment;
- 9) To ensure that the work environment is free from sexual and racial harassment directed toward employee, student, or applicant;
- 10) To monitor the implementation of the AAP/EEO program to ensure that all goals and objectives are met in a timely manner.

## DISSEMINATION OF AAP/EEO POLICY

National University will disseminate its Affirmative Action Plan and Equal Employment Opportunity Program, both internally and externally.

### INTERNALLY

- 1) A copy of the Affirmative Action Plan and Equal Employment Opportunity Policy Statement will be posted at each campus location on bulletin boards that are conspicuous and accessible to employees, potential applicants, and to the public.

- 2) A copy of the Affirmative Action Plan and Equal Employment Opportunity Policy Statement, Goals and Objectives will be distributed to each employee and will be referenced in the National University Policy Manual and other policy and procedure documents related to faculty, staff, and students.
- 3) Whenever National University employees are featured in publications, both members and nonmembers of protected groups will be routinely represented.
- 4) All advertisements or notices for position vacancies will include the statement: "National University is an Equal Opportunity Employer. Women and Minorities are Encouraged to Apply. "
- 5) The AAP/EEO Policy will be published in staff and faculty handbooks, the Faculty Senate Policy File, the National University General Catalog, and the University Policy Manual.
- 6) An equal opportunity clause will be included in all purchase orders, leases, and contracts. Contractors who are members of protected groups are encouraged to apply for contracts to serve National University.
- 7) The Affirmative Action Policy will be distributed to vice presidents, deans, department heads, directors, and supervisors who will ensure that discussions of responsibilities for effective implementation are held during management, supervisory, and employee meetings.
- 8) Meetings will be scheduled at least annually with the University's Diversity Advisory Council, the Faculty Senate, and members of the President's Cabinet to review the AAP/EEO program, discuss goals and objectives, and explain management responsibilities for implementation.

#### EXTERNALLY

- 1) The Affirmative Action Plan and Equal Employment Opportunity document will be made available to the public upon requests to the Offices of Human Resources or Multicultural Affairs.
- 2) The AAP/EEO Policy will be communicated to recruitment sources through oral and written communication, including methods that are accessible to individuals having disabilities.
- 3) The AAP/EEO Policy will be communicated to organizations, colleges, and community groups interested in encouraging equal employment opportunities for minorities, women and individuals with disabilities.
- 4) All vendors and suppliers with whom National University conducts business will be notified of the AAP/EEO Policy and will be encouraged to comply with the policy. Contractors who

are members of protected groups will be encouraged to apply for contracts to serve the University.

5) The AAP/EEO Policy will be communicated through professional networks to candidates recruited for the University's Minority/Women Vita Bank for faculty and staff positions.

## ASSESSMENT

National University will utilize various procedures to obtain information from employees, advocacy groups, and consumers of the University services about the efficacy of and the need to improve the AAP/EEO program. These procedures may include: a) interviewing protected class employees; b) surveying employees, outside agencies, and advocacy groups; c) obtaining evaluations from affirmative action training participants.

The Affirmative Action Officer not only will investigate and facilitate the formal processing of unlawful discrimination complaints filed by faculty, staff, or students, but also monitor annually the frequency and disposition of such complaints. (See Appendix for "Affirmative Action/EEO Unlawful Discrimination Complaint, Form 1-91S" and "Laws Applying to Affirmative Action in Educational Institutions."

## IMPLEMENTATION RESPONSIBILITIES

### AFFIRMATIVE ACTION OFFICER

The Vice President for Multicultural Affairs (VPMA) serves as the Affirmative Action Officer and reports to the President. The VPMA will coordinate the AAP/EEO Program with the Vice President for Administration and the Director of Human Resources. The duties of the Affirmative Action Officer include, but are not limited to, the following:

- 1) Providing leadership to achieve a positive, continuing, and vigorous non-discrimination policy and affirmative plan of action;
- 2) Planning, developing, coordinating, implementing and monitoring the AAP in concert with the University's Diversity Advisory Council;
- 3) Working with the Director of Human Resources and the appropriate department heads in recruitment of exempt and non-exempt staff;

- 4) Reviewing, monitoring, and making recommendations on University personnel policies;
- 5) Consulting, developing, and participating in AAP/EEO training programs;
- 6) Assuring that reasonable accommodations are provided to all known and qualified disabled applicants and employees;
- 7) Researching, compiling, and analyzing data related to the representation of protected class employees;
- 8) Maintaining a Minority/Women Vita Bank through professional networking and participating in conferences, meetings, forums, discussion groups, panels and seminars concerned with Affirmative Action and Equal Employment Opportunity;
- 9) Keeping abreast of and, in concert with counsel, interpreting laws, rules, regulations, and court decisions impacting on the AAP;
- 10) Assisting the appropriate hiring authorities with the development of employment goals with specific and special emphasis on programs for pre-entry, entry, and promotional titles;
- 11) Developing and implementing systems for monitoring and attaining such goals;
- 12) Implementing the University's Unlawful Discrimination Complaint Procedure, informing complainants of their rights and avenues of redress, and investigating and resolving those complaints;
- 13) Reviewing faculty and staff personnel policies, practices and procedures, and monitoring faculty and staff appointments to assure consistency with National University Policy, the University's Diversity Enhancement Goals and Objectives, as well as with federal and state laws and regulations pertaining to non-discrimination and affirmative action;
- 14) Serving as a resource person to faculty and exempt employee search committees and to faculty and staff to facilitate the understanding of the non-discrimination and affirmative action plans to ensure compliance with legal requirements, university policies, and diversity goals;
- 15) Providing leadership on AAP/EEO and Diversity Enhancement matters to the University's Diversity Advisory Council, which also serves as the AAP/EEO Advisory Committee;
- 16) Assessing the progress of the AAP/EEO program in a timely manner and making recommendations for improvement and corrective action.



## DIRECTOR OF HUMAN RESOURCES

The Director of Human Resources shall establish and maintain a close working relationship with the VPMA serving as the Affirmative Action Officer in the implementation of the AAP/EEO program. The Director's responsibilities shall include, but are limited to the following:

- 1) Maintaining all personnel records in a manner consistent with applicable laws and regulations, as well as the requirements of the AAP;
- 2) Developing and maintaining all personnel directives in a manner that is consistent with applicable laws and regulations, and the AAP;
- 3) Continuously reviewing the jurisdictional classification system, procedures, benefit packages, leave policies, training and career development programs, and other employment practices to ensure that all such practices conform with current legal and regulatory requirements, and the AAP;
- 4) Implementing the approved affirmative action recruitment plan to enable all protected class individuals have equal access to the employment opportunities available;
- 5) Consulting, developing, and participating in AAP/EEO training programs;
- 6) Assisting in the development and implementation of systems for monitoring and attaining Affirmative Action hiring goals.

## RESPONSIBILITIES OF DEANS, DEPARTMENT HEADS, DIRECTORS, MANAGERS AND SUPERVISORS

The responsibilities of deans, department heads, directors, managers, and supervisors include, but are not limited to the following:

- 1) Adhering to University policies designed to eliminate discriminatory practices (e.g. employment interviewing, appointment monitoring, adding to the Affirmative Action Resource File, etc.);
- 2) Providing leadership and setting a positive example to subordinate staff in assuring applicants/employees are provided equal employment opportunity for appointment, promotion, transfer, training, assignments, etc., regardless of race, color, sex, age, religion, disability, marital Zinn, sexual orientation, veterans status, or national origin;
- 3) Seeking out businesses owned by minorities and women as sources of goods and services;

- 4) Working with the Affirmative Action Officer and the Director of Human Resources to identify problem areas and the establishment and active pursuit of numerical and programmatic goals and timetables;
- 5) Sharing Affirmative Action Recruitment information with the Affirmative Action Officer and the Director of Human Resources and providing accurate and timely reports as required for Affirmative Action purposes;
- 6) Assessing each individual's knowledge, awareness, and sensitivity to the University's AAP as part of the performance evaluation process.

#### INDIVIDUAL EMPLOYEE'S RESPONSIBILITY

All National University employees are responsible for implementing the Affirmative Action Plan by

- 1) Reading the National University Affirmative Action Plan and learning more about the University's Continuous Diversity Enhancement Plan and Process;
- 2) Treating co-workers with respect as individuals;
- 3) Eliminating derogatory terms, comments or jokes related to personal characteristics (such as sex, race, national origin, religion, age, etc.) from conversations in the workplace;
- 4) Working cooperatively with department heads, directors, managers, and supervisors and the Affirmative Action Officer in complaint investigations, training programs, and other activities as requested.

#### OTHER IMPLEMENTATION FEATURES:

#### RECRUITMENT, APPOINTMENT, AND DEVELOPMENT

- 1) No offers of appointment shall be made to any candidate until appropriate steps have been taken to seek out and encourage applications from protected groups. When applicants are equally qualified, it is desirable to give preference in hiring to members of protected groups in order to achieve Affirmative Action hiring goals.
- 2) Vacancies shall be advertised locally, regionally, and nationally, as appropriate. Such advertisements shall be placed in locations where members of protected groups with appropriate qualifications normally apply for employment and in newspapers and journals which might be expected to attract the maximum attention from applicants.

- 3) Standards and criteria for employment shall be clearly stated and relevant to job requirements. They shall be accessible to all employees and applicants.
- 4) Selection panels, rather than individual interviewers, should be used whenever possible. Search committees and selection panels, should include, whenever possible, members of protected groups and follow the University's Faculty Recruiting Process.
- 5) Specific steps shall be taken to provide guidance and assistance to members of protected groups in meeting the criteria for reappointment or promotion.

#### CONDITIONS OF WORK

- 1) There shall be no discrimination in terms and conditions of employment, including work assignments, classification, educational and training opportunities, benefits, use of facilities, research opportunities, and opportunities to serve on committees or decision-making bodies.
- 2) Harassment of any employee on account of race, religion, color, sex, age, disability, marital status, sexual orientation, veterans status or national origin, shall not be tolerated.
- 3) Sexual harassment shall not be tolerated. Sexual harassment includes such behavior as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward an employee, student, or applicant as described in the National University Policy Manual.
- 4) Individuals to be employed at National University are judged on their merits; therefore, it is the policy of the University to permit employment of members of the same family, except when one member of a family: a) is responsible for making personnel decisions involving another member of the same family relatives, b) is responsible for supervising, directing, evaluating or influencing the evaluation of another member of the same family, c) is placed in circumstances in which conflicts may arise between the interests of the University and the interests of the family; or d) is caught in circumstances which may cause disruptions in the workplace or a negative or unprofessional work environment. (For the purpose of this policy, a family member is an individual related to another person or person's spouse within the third degree. This includes parents, grandparents, great-grand parents, brothers, sisters, children, grandchildren, great-grandchildren, spouses, and other close relatives, including step-or in-law relatives.)
- 5) No personnel policies or practices shall arbitrarily exclude employees or applicants from employment opportunities on the basis of pregnancy, childbirth, or related condition.
- 6) Rejection or non-reappointment during the probationary period and the termination of employees shall similarly proceed in accordance with relevant laws and policies and without discrimination.

## DOCUMENTATION

1) The Office of Human Resources shall maintain statistical records for all applicants for employment and for employees of the University, as well as a tracking system for updating this information. These records shall include job classifications, sex, race, and other such characteristics as required by law. Summaries of these data shall be available for appointment to temporary positions, new hirings, promotions, and terminations (including rejection and non-reappointment during the probationary period). These records shall be available for a period of three years.

2) The Office of the Vice President for Academic Affairs or appropriate administrative units shall maintain records of the reasons for the appointment, non-reappointment, promotion or

termination of faculty in accordance with University and Faculty Policies. The Office of Human Resources shall maintain comparable information for staff. These records shall be retained for at least two years and shall be available to the Affirmative Action Office upon request.

3) Documentation of actions related to unlawful discrimination complaints and the disposition of faculty and student grievances shall be maintained by the Affirmative Action Officer and the Vice President for Academic Affairs. Similar documentation related to unlawful discrimination complaints and grievances by staff shall be maintained by the Affirmative Action Officer and the Office of Human Resources.

## POLICIES AND PROCEDURES RELATED TO AFFIRMATIVE ACTION

National University's Affirmative Action and Equal Employment Opportunity program has been guided by University policies and procedures. All personnel policies and practices are related to the AAP/EEO program. To date, 35 policies have been adopted and transmitted. The policies most applicable to this AAP/EEO document are listed below. Some of the policies are under revision, while others are being developed to strengthen the AAP/EEO program.

- 1) 1:07:00 --Policies and Procedures, 12/4/89
- 2) 1:01:00 --Staff Employment (Revised), 6/21/91
- 3) 1:02:00 —Employee Termination, 10/11/89
- 4) 1:09:00 —Dissemination of Personnel Information, 12/05/89
- 5) 1:10:00 —Protection Against Sexual Harassment, 12/06/89
- 6) 1:12:00 —Equal Employment Opportunity, 12/15/89
- 7) 6:01:00 —Purchasing, 3/21/90
- 8) 1:11:00 —Staff Grievance Procedure, 5/29/90
- 9) 4:05:00 —Advertising, 12/19/90
- 10) 1:13:00 —Hiring Family members, 12/19/90
- 11) 1:15:00 --Disability, 5/01/92

- 12) 1:16:00 --Leave of Absence for Family Care, 5/01/92
- 13) 1:18:00 —Professional Conduct, 10/06/92
- 14) 6:02:00 —Consultants, 1/10/91
- 15) 3:01:00 —Contract Administration (Revised), 1/8/91
- 16) 1:12:00 —Staff Employee Overtime, 12/19/90
- 17) 1:18:00 —Americans With Disabilities Act of 1990, 4/28/93

The purpose of the AAP/EEO program and related policies and procedures is to ensure that equal employment opportunity is available to every applicant and employee from the very beginning of the employment process, when position descriptions are first promulgated, through the end of that process. The goal is to have a diversely representative workforce interacting positively and productively to foster the University's commitment to diversity and competence. The University's Staff Compensation and Performance Management Plan was introduced to enhance that process. A staff handbook has been prepared and distributed, and policies and procedures related to student and faculty concerns have been addressed in the University Catalog and Faculty Policies respectively.

Consistent with the Continuous Diversity Enhancement Plan and Process, the University is committed to identifying and overcoming problem areas in employment practices which have an adverse impact on protected class individuals. This on-going review includes, but is not limited to the following: position descriptions, posting openings, recruitment, search committees, applications, interviews, selection, staff training, career development, special assignments, performance evaluations, promotion, transfer, reassignment, relocation, layoff, granting leaves, grievances, termination, and budget procedures affecting personnel practices.

University hiring and promotion authorities have a special responsibility to see that affirmative action principles and practices are incorporated in their activities to overcome adverse impacts of personnel policies and practices and to foster opportunities for members of protected groups.

### BENCHMARKS, GOALS, AND TIMETABLES

National University's AAP/EEO program is designed to develop: 1) programmatic approaches to the elimination of all unjust, exclusionary employment practices, policies and consequences; 2) educational and training programs for all employees, with due emphasis on valuing and managing diversity; 3) personnel practices, policies, and career ladders to assist and encourage upward mobility of employees; and 4) mechanisms for swift and judicious resolution of problems of human rights discrimination consistent with University policies and other applicable legal statutes. As such, the establishment of affirmative action goals is done to help define expectations and to measure progress toward fulfilling those expectations.

The ability of a faculty or staff candidate to perform successfully on the job continues to be the principle criterion of selection. A good faith effort, coupled with common sense, and selection decisions reached in accordance to job-related factors should contribute to meeting institutional

goals, while identifying qualified employees. As such, affirmative action goals generally are determined by comparing the percentage of protected class incumbents employed by the institution with the estimated percentage of those in the potential labor pool possessing bona fide qualifications for selection. The goals are designed to reflect the diverse composition of the labor force. At National University, the goals are designed to reflect the gender and ethnic distribution in the student population and the regions served. Timetables for achieving these goals must consider the changing demographics in higher education and personnel turnover and accession rates. The progress made toward achieving these goals will be reviewed annually.

As previously stated, this Affirmative Action Plan is an integral part of the University's diversity program. To determine how best to improve numerical diversity and build a mutually-supportive, community environment for interactive diversity, affirmative action benchmarks and programmatic points of reference were imperative. National University's student population reflects California's postsecondary education enrollment figure. Of the approximately 7,000 NU students enrolled in FY 1992, 67% were white, 24% were racial and ethnic minorities, 6% were foreign, and 3 % were unknown. These percentages represent a student population that had an average age of 33 years, most of whom worked and half of whom were women. The staff profile data approximates those percentages, but the faculty benchmark data is less comparable.

In 1990-91, 4 or 6% of the full-time faculty were minority, and 19 or 27% were female. The minority faculty hiring goal for 1991-92 (AAP Benchmark) was to increase these figure to 15% and 30% respectively. During 1992-93, 11 or 13% of the full-time faculty were minority and 24 or 29 % of the full-time faculty were female. When the 11 open faculty positions are filled for the current year, the total number of full-time faculty will be 94. For 1993-94, full-time faculty will increase to 100. Associate faculty ranks will increase from the current 29 to 55 and the core faculty will increase from 145 to 250. Over the next two years, the number of minority faculty will increase to 22% and female faculty will increase to 44% to reflect racial and ethnic and gender profile of the student population. Nationally, minority and women faculty percentages are 12% and 30% respectively. (See Appendix for "BIOSCA Profile")

The current demographic profile of National University's student population is similar to the FY 92 figures. The FY 93 figures reflect a student population of approximately 7,200, including 69% Caucasian, 8% Hispanics/Latino, 7.5 % African American, 6% Asian American, 0.5% Native American, and 3.5% unknown. Women still represent half of the overall student population. By comparison, the number of students enrolled in California colleges and universities, including community colleges, is almost 1.8 million. Of this number, approximately 6.5 % were African American, 12.6% were Hispanic or Latinos, 12.1% were Asian Americans, and 1.2% were Native Americans. Student affirmative action plans, at a minimum, call for reflecting the demographics of California college populations and, to the extent possible, in the regional areas served.

The latest Integrated Postsecondary Data Systems (IPEDS) Completer Survey indicated that National University was in the top 100 four-year colleges and universities awarding the bachelor's degree in all disciplines to all targeted minorities. With reference to African

American students receiving the bachelor's degree in business, National University ranked # 9 with 117 graduates. When comparing the completion rate of African American students to other private and predominantly white institutions, National University ranked # 1. Compared to all schools, public and private, in all disciplines, the University ranked #51 with 382 minority graduates.

## DIVERSIFYING FACULTY AND STAFF PROFILES

As Reginald Wilson, Senior Scholar, American Council on Education stated, "The collegiate institutions most successful in significantly increasing faculty race and gender diversity have been those where presidential leadership has made this issue a publicly articulated high priority and where a systematic hiring plan with strong incentives, and sanction where necessary, have been put in place." National University is fortunate to have the leadership commitment and proactive systematic hiring plan. Affirmative action hiring goals have been established by the Schools and Regions, and the AAP/EEO Advisory Committee (Diversity Advisory Council) and the Faculty Senate is committed to ensure the outcome. By FY 95, the University anticipates 100 full-time faculty and 75 associate faculty. Core adjunct faculty will number 250.

In FY 1991, 124 or 25% of the 505 employees were minorities, mainly in non-exempt positions. Of the 156 exempt employees, 26 or 16.5% were minorities and over 50% were women. As a result of the 1993 job classification and compensation plan, the minorities represent 97 or 31% of the non-exempt staff and 21 or 13.6% of the exempt employees. Among the part-time staff and workshops, minorities represent 20 or 12.5% minorities and 110 international students and minorities, constitute almost half of the workshop positions. Of the 561 staff employees and 216 workshops, women are 50% of the total staff profile.

To ensure that representatives of various protected classes have equal opportunity to compete for openings, position descriptions and qualifications required of candidates will be regularly reviewed. Whenever an opening occurs or is anticipated, the Affirmative Action Officer and/or the Director of Human Resources will initiate a review of the position description and qualifications required to determine what revisions, if any, need to be made.

Qualifications (i.e. knowledge, skills, and abilities) will be established which validly enable an incumbent to perform the duties of the position. Experiential and educational criteria must be pertinent to the job at hand and broad enough to allow for competition by representatives of various protected classes. To the extent that physical and mental job requirements for specific titles tend to screen out individuals who have disabilities, such qualifications must be validly job-related and necessary for safe and effective job performance.

When any openings occur or are anticipated or when new positions are created, the appropriate hiring authority will notify the Director of Human Resources and the Affirmative Action Officer of the potential opportunity. The notice should include title, grade, level, qualifications, anticipated date of hire, and a contact person. It is understood that such notices will be considered in light of the University's Affirmative Action goals. This procedure will enable the

staff of these offices to provide appropriate career guidance to interested employees who may make inquiries. It will also enable staff to refer appropriate protected class candidates for consideration.

The Office of Human Resources maintains a comprehensive list of minority organizations located locally, statewide, and nationally to whom announcement of vacancies are sent routinely. In addition, the Office of Multicultural Affairs maintains an Affirmative Action Resource File, including a Minority/Women Vita Bank containing the resumes of protected class individuals who have expressed an interest in working or teaching at National University. The University advertises widely its openings for positions, and most of its faculty and upper level professional and managerial positions are recruited nationwide.

All pre-employment forms have been reviewed and all inappropriate inquiries have been removed. All references to protected class status have been removed, as well as any illegal inquiries regarding disability, race, sex, marital status, national origin, credit rating, etc. Any appropriate changes pursuant to future legislation and/or executive mandate will be made as necessary. Survey information requesting individuals to reveal their ethnic, race, sex, disability, or veterans status is solicited on a voluntary basis.

#### AFFIRMATIVE ACTION PLAN/EEO TRAINING

For an AAP/EEO program to be successful, a climate of cooperation and awareness must exist at all levels. Deans, department heads, directors, managers, and supervisors need the skills to develop and manage a widely diverse and productive workforce. All employees need to be formed of their rights and responsibilities under AAP/EEO mandates. Managers and supervisors should demonstrate rudimentary knowledge of EEO laws and related personnel issues. Moreover, employees should be aware of the Affirmative Action and Equal Employment Opportunity legal process and understand the need for affirmative action. They also should have interpersonal acceptance and sensitivity toward affirmative action issues as they apply to the workplace.

To facilitate the AAP/EEO orientation and training, the Affirmative Action Officer and the Director of Human Resources should provide the leadership in offering a continuous training program system wide and report the results of such training annually. The orientation of new employees includes an introduction to affirmative action concepts, specifically in terms of the AAP/EEO program. The orientation for new managers includes a briefing on managerial responsibilities under the Affirmative Action Plan.

A continuous training program is also required. Staff training modules for managers and supervisors have been identified for use throughout the University. The training components include: a) your role as a supervisor and manager/leader; b) understanding Affirmative Action and Equal Employment Opportunity; c) TQM and the Continuous Improvement Process; d) problem-solving, negotiating conflict, and managing stress; e) setting standards of performance,



evaluating performance, hiring and firing; f) team-building and empowering employees; enhancing oral and written communications skills; and g) planning and decision-making in a changing environment. The results of this systemwide training should be reported annually.

## PROGRAM EVALUATION AND REPORTING

Racial/ethnic and gender statistical data should be analyzed by the Affirmative Action Officer and the Director of Human Resources. Comparisons with the benchmark diversity profile data and projected goals shall be made annually. When goals are not achieved, further examination of personnel transactions and practices can be undertaken to determine where problems may be occurring.

A Committee of the University's Diversity Advisory Council (DAC) will serve as the AAP/EEO Advisory Committee. The DAC was established to enhance National University's transformation process. The 23-member advisory council included representatives from all segments of the university community, with almost half of the membership coming from faculty ranks. The DAC, serving as the AAP/EEO Advisory Committee, will be augmented, as appropriate, to ensure representation of protected class employees. The AAP/EEO Advisory Committee shall meet quarterly to review report data and to make recommendations for policies, procedures, and strategies which are expected to improve the Affirmative Action Plan.

Evaluation data are collected by the Affirmative Action Officer from a variety of sources, collated, analyzed and reported to the President, the Diversity Advisory Council, and the President's Cabinet. By communicating with interested and affected parties, and through the investigation and resolution of unlawful discrimination complaints, the Affirmative Action Officer becomes an observer of critical incidents and key issues not clearly reflected by other sources of data. The VPMA serving in the capacity of the Affirmative Action Officer should bring these observations to the DAC for review and recommendations.

The purpose of this procedure is to review progress and problems, to disseminate information about successful and unsuccessful strategies, and to indicate the need for changes in policy or action to overcome obstacles to progress. On a quarterly basis, race and gender representation in various occupational categories are statistically analyzed for appropriate distribution. Semiannual reports describing the recruitment and training efforts and other activities not observable from statistical data are obtained by the Affirmative Action Officer from deans and department heads. The reports also describe obstacles and the strategies being applied to overcome them.

## APPENDIX

**AFFIRMATIVE ACTION/EEO  
UNLAWFUL DISCRIMINATION COMPLAINT  
FORM 1-91S**

Name \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

I.D.# \_\_\_\_\_

Campus/School: \_\_\_\_\_

Date: \_\_\_\_\_

STATEMENT OF COMPLAINT (*Reason you believe you have been discriminated against*):


\_\_\_\_\_

Signature

\_\_\_\_\_

Date

Acknowledgement of Complaint:

\_\_\_\_\_

Regional or School Dean

\_\_\_\_\_

Date

AA/EEO Office Response: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

# Laws Applying to Affirmative Action in Educational Institutions

Affirmative action programs are governed by a number of overlapping laws: A common principle is that whether for admissions or employment, affirmative action programs such as targeted recruitment and goals are encouraged to remedy past effects of discrimination; quotas are disfavored.

## *Fourteenth Amendment of the United States Constitution*

The "equal protection clause" of the Fourteenth Amendment, which applies only to public institutions, prohibits discrimination based on race or sex. According to recent U.S. Supreme Court cases decided under this provision, such as *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), public employers' affirmative action programs must be justified by and narrowly tailored to remedy specific evidence of past discrimination;

*Title VI of the Civil Rights Act of 1964*, 42 U.S.C. § 2000d, and regulations at 45 C.F.R. §§ 80.1 *et seq.*

Title VI prohibits race discrimination in any program receiving federal funds. This law applies to both admissions and employees. Violations can result in withdrawal of federal funds or suits by private individuals.

Cases brought under Title VI, such as *University of California Board of Regents v. Bakke*, 438 U.S. 265 (1978), establish that in an affirmative action context, race can be one of several factors used in admissions decisions.

*Title VII of the Civil Rights Act of 1964*, 42 U.S.C.A. §§ 2000e *et seq.*, and regulations at 29 C.F.R. §§ 1604-1606, 1608.1 *et seq.*

Title VII prohibits employment discrimination based on race, color, religion, sex, or national origin by any employer

with 15 or more employees; as amended in 1972 it applies to public and private educational institutions. Cases decided under Title VII authorize affirmative action programs that are "narrowly tailored" to remedy past discrimination based on race, sex, etc.

*Title IX of the Education Amendments of 1972*, 20 U.S.C. §§ 1681 *et seq.*, and regulations at 34 C.F.R. §§ 106.1 *et seq.*, 45 C.F.R. §§ 86.1 *et seq.*

Title IX prohibits sex discrimination in all educational institutions that receive federal funding. Title IX's affirmative action provisions apply to both employment and admission of students. Violations can result in withdrawal of federal funds or suits by private individuals.

Regulations promulgated under Title IX, 34 C.F.R. § 106.3, authorize affirmative or remedial action in instances in which members of one sex must be treated differently to overcome the specific effects of past discrimination.

*Executive Order 11246, Sept. 24, 1965, as amended by Executive Order 11375, Oct. 1967*, 41 C.F.R. §§ 60-1 *et seq.* Executive Order 11246 requires federal contractors to adopt and implement "affirmative action programs" to promote attainment of equal employment objectives. It authorizes use of goals but prohibits quotas, and applies to race, religion, color, national origin, and sex.

## *State Laws*

Many states have laws that are similar to Title VII or Title IX. In some instances, state laws- provide broader remedies or

- more expansive coverage to protected groups.

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