

**UNIVERSITY OF CALIFORNIA GUIDELINES FOR ACADEMIC AND STAFF AFFIRMATIVE ACTION COMPLIANCE PROGRAMS FOR MINORITIES AND WOMEN, INDIVIDUALS WITH DISABILITIES, AND COVERED VETERANS**

**I. INTRODUCTION**

It is 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. Pursuant to the University's *Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment* 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, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran (special disabled veteran, Vietnam era veteran, and any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized).

In accordance with Federal requirements, each campus of the University, each of the Department of Energy Laboratories, hereinafter referred to as "the Laboratories", the Office of the President and the Principal Officers of The Regents, as a location, hereinafter referred to as "UCOP", and the Division of Agriculture and Natural Resources, hereinafter referred to as "DANR", shall maintain separate affirmative action programs, as reflected in written affirmative action plans. Such plans shall be approved by the Office of the President before they are officially promulgated. The plans shall also be approved as to legal form by the Office of the General Counsel prior to promulgation.

**II. RESPONSIBILITIES OF THE OFFICE OF THE PRESIDENT**

- A. The President shall approve all campus, Laboratory, UCOP, and DANR written affirmative action plans prior to their implementation. The Provost and Senior Vice President–Academic Affairs and the Senior Vice President–Business and Finance 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 Senior Vice President–Academic Affairs and the Senior Vice President–Business and Finance shall:
  1. 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.
  2. Request reports on campus, Laboratory, UCOP, and DANR affirmative action compliance programs and activities, as necessary, to meet Federal, State, Regental, and Presidential review needs.
  3. Assist in developing availability and workforce data, developing training and development programs, and conducting analyses, as necessary.

**III. RESPONSIBILITIES OF THE CHANCELLORS, THE LABORATORY DIRECTORS, THE SENIOR VICE PRESIDENT–BUSINESS AND FINANCE, AND THE VICE PRESIDENT–DIVISION OF AGRICULTURE AND NATURAL RESOURCES**

Each Chancellor, each 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. The Senior Vice President–Business and Finance shall develop and administer the Affirmative Action Plan for the UCOP, to be updated on an annual basis. These plans shall include all required ingredients of an affirmative action compliance program as set forth in Affirmative Action Guidelines, Revised Order No. 4 (41 CFR Part 60-2); Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities (41 CFR Part 60-741); and Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Vietnam Era Veterans (41 CFR Part 60-250).

In accordance with Revised Order No. 4, affirmative action compliance programs for minorities and women shall address the following components:

- A. Statement of EEO policy applicable to all personnel actions
- B. Method for formal dissemination, internally and externally, of the EEO policy
- C. Establishment of responsibilities for implementation of the affirmative action program
- D. Development of a workforce analysis

- E. Development of a utilization analysis by job group
- F. Identification of problem areas (deficiencies) by organizational units and job groups
- G. Establishment of goals and objectives by organizational units and job groups
- H. Development and execution of action-oriented programs designed to eliminate problems and further designed to attain established goals and objectives
- I. Design and implementation of internal audit and reporting systems to measure the effectiveness of the total program
- J. Compliance of personnel policies and practices with the Sex Discrimination Guidelines set forth in 41 CFR Part 60-20
- K. Active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women
- L. Consideration of minorities and women not currently in the workforce having the requisite skills who can be recruited through affirmative action measures

In accordance with 41 CFR Parts 60-741 and 60-250, affirmative action programs for individuals with disabilities and covered veterans (special disabled veterans, Vietnam era veterans, and 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) shall address the following components:

- A. Statement of policy regarding nondiscrimination and affirmative action applicable to all employment practices
- B. Designation of a responsible official for affirmative action activities
- C. Development and execution of an action-oriented program designed to enhance the opportunities of qualified disabled individuals and covered veterans
- D. Dissemination, internally and externally, of the policy
- E. Annual review and update of the affirmative action program
- F. Availability of the affirmative action plan for inspection to employees and applicants upon request, and posting of location and hours for inspection
- G. Extension of invitation to self-identify to individuals with disabilities and covered veterans
- H. Annual review of personnel processes to determine whether present procedures assure careful, thorough, and systematic consideration of the job qualifications of known disabled and covered veteran applicants for job vacancies filled either by hiring or promotion and for all training opportunities offered or available; if modification of personnel policies has been necessary, the development of new procedures is included in the affirmative action plan
- I. Development of a review schedule for all physical and mental job qualification requirements to ensure they are job related and are consistent with business necessity and safe performance of the job
- J. Any physical or mental job qualification requirements applied in the selection of applicants or other change in employment status are related to the specific job for which the individual is being considered and are consistent with business necessity and the safe performance of the job
- K. Medical examination information is kept confidential, except for the exceptions noted in the regulations
- L. Reasonable accommodation is made to the physical and mental limitations of qualified applicants and employees who are disabled individuals or who are special disabled veterans, unless accommodation would impose a demonstrable undue hardship
- M. Amount of compensation is not reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source
- N. Review of employment practices to determine whether personnel programs provide the required affirmative action for employment and advancement of qualified individuals with disabilities and covered veterans
- O. Based upon the review findings, undertake appropriate outreach and positive recruitment activities.

#### **IV. 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 covered 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, national origin, disability, or status as a covered 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 covered 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, national origin, disability, or status as a covered 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, national origin, disability, or status as a covered 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, national origin, disability, or status as a covered 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, national origin, disability, or status as a covered 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, national origin, disability, or status as a covered veteran.

These Guidelines supersede the **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 February 13, 1997.