

Florida International University

October 1, 2005 - September 30, 2006

AFFIRMATIVE ACTION PROGRAMS

Effective Dates: October 1, 2005 - September 30, 2006

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Florida International University

AFFIRMATIVE ACTION PROGRAM

For

MINORITIES AND FEMALES

October 1, 2005 - September 30, 2006

CONFIDENTIAL TRADE SECRET MATERIALS

This Affirmative Action Program contains confidential, trade secret and commercial information which is subject to the provisions 18 U.S.C. 1905. Chrysler Corp. v. Brown, 441 U.S. 281, 19 FEP 475 (1979). Furthermore, release of any trade secret, confidential statistical or commercial information would be arbitrary and capricious in violation of the Administrative Procedures Act ("APA"). See, e.g., CNA Financial Corp. v. Donovan, 830 F.2d 1132, 1144 and n. 74 (D.C. Cir.) cert. denied, 485 U.S. 977 (1988).

Copies of this Affirmative Action Program and all related appendices, documents and support data are made available on loan to the U.S. Government upon the request of said government on the condition that the government hold them totally confidential and not release copies to any persons whatsoever. This Affirmative Action Program and its appendices and other supporting documents contain much confidential information which may reveal, directly or indirectly, the University plans for business or geographical expansion or contraction. The University considers this Affirmative Action Program to be exempt from disclosure, reproduction and distribution under the Freedom of Information Act upon the grounds, among others, that such material constitutes (1) personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, which are exempt from disclosure under 5 U.S.C. 552(b)(6); (2) confidential, commercial or financial information, which is exempt from disclosure under 5 U.S.C. 552(b)(4); (3) investigatory records compiled for law enforcement purposes, the production of which would constitute an unwarranted invasion of personal privacy, which are exempt from disclosure under 5 U.S.C. §552(b)(7)(C); and as (4) matters specifically exempted from disclosure by statute, which are exempt from disclosure under 5 U.S.C. 552(b)(3). Notice is hereby given of a request pursuant to 41 C.F.R. 60-60.4(d) that portions of this Program be kept confidential.

Thus, the University wishes to make it clear that it does not consent to the release of any information whatsoever contained in this Affirmative Action Program under the Freedom of Information Act or otherwise. If the U.S. Government, or any agency or subdivision thereof, is considering breaching the conditions under which this Affirmative Action Program was loaned to such government, or is considering a request for release of this Program under the Freedom of Information Act, request is hereby made that the government immediately notify the General Counsel of the University of any and all Freedom of Information Act requests received by the government or any other contemplated release of this Program by the government which relates to information obtained by the government from the University.

The University further requests that everyone who has any contact with this Affirmative Action Program, or its supporting appendices, documents, and other data, treat such information as totally confidential and that such information not be released to any person whatsoever. Retention or disclosure of information relating to identifiable individuals may also violate the Privacy Act of 1974.

Neither this Affirmative Action Plan nor the goals set in this Plan are an express or implied contract. The Affirmative Action Plan is not intended to and does not create any contractual obligations. Rather, it merely describes goals or objectives which the University will attempt to implement, achieve, and maintain.

Florida International University

**AFFIRMATIVE ACTION PROGRAM FOR
MINORITIES AND FEMALES**

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I. Preface

The University is fully committed to the concept and practice of equal opportunity and affirmative action in all aspects of employment. The management of the University has voluntarily prepared this written Affirmative Action Plan (AAP) in conformity with E. O. 11246 and the implementing regulations of OFCCP, 41 CFR Part 60-1 & 60-2 (amended December 13, 2000).

In the preparation of this AAP, the terminology used in E.O.11246 and its implementing regulations have been used as a guide by the University. Therefore, the use of such terms as “underutilization,” “deficiency,” “concentration,” “affected class,” etc., should not be construed as an admission by the University, in whole or in part, that either minorities or women have been or are presently being underutilized, concentrated, or discriminated against in any way in violation of federal, state, or local fair employment practice laws. Further, nothing contained in the AAP or its supporting data should be construed as an admission by the University, in whole or in part, that it has contravened such federal, state, or local employment practice laws.

In developing and implementing this AAP, the University has been guided by its established policy of providing equal employment opportunity. Any goals that the University has established herein are not intended as rigid, inflexible quotas that must be met, but rather as targets reasonably attainable by applying every good faith effort in implementing this AAP. The use of goals in this AAP is not intended to discriminate against an individual or group of individuals with respect to any employment opportunity for which he, she, or they are qualified on the grounds that he, she, or they are not the beneficiaries of affirmative action themselves. Indeed, nothing herein is intended to sanction the discriminatory treatment of any person. Thus, the AAP has been developed in strict reliance upon the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (EEOC) (29 CFR Part 1608).

II. Policy Statement

Our University has special opportunities in the area of affirmative action in employment. These opportunities arise from our location in a multiethnic and multicultural urban center. Our ultimate affirmative action goal is to achieve a work force that equitably reflects our diverse community.

The University recognizes the importance of eliminating employment barriers and has established a non-discriminatory policy for its employees and applicants for employment. This policy is applied without regard to a person's race, color, sex, religion, creed, national origin, disability, marital status, political opinions or affiliations, Vietnam or disabled veteran status, sexual orientation, or age, except as provided by law. It is designed to assure each applicant or employee an equal opportunity in recruitment, examination, appointment, training, promotion, compensation, retention, and/or other employment practices.

The University will, moreover, comply with Titles VI, and VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendment of 1972, as amended, the Age Discrimination in Employment Act, as amended, the Americans with Disabilities Act, and Sections 503 and 504 of the Vocational Rehabilitation Act of 1973. The University also enforces its own policies regarding AIDS, non-discrimination, including and prohibiting sexual harassment, and enforces compliance with the Florida Educational Equity Act. Finally, the University will comply with the affirmative action obligations concerning the employment of qualified veterans. The University recognizes, moreover, that such affirmative action shall be taken at all levels of employment including the executive level. This policy shall apply to all phases of employment including, but not limited to, recruitment, selection, and promotion. The University affirmative action program regarding veterans and persons with disabilities is available for review in the Office of Equal Opportunity Programs during normal business hours.

The Director, Office of Equal Opportunity Programs, shall be responsible for developing the University's Affirmative Action Plan and maintaining an effective monitoring and reporting system. If any employee feels that he/she has been discriminated against for any constitutionally impermissible reason or for any reason delineated above, he/she may file a complaint with the Office of Equal Opportunity Programs, PC 215, University Park, Miami, Florida 33199. (305) 348-2785.

Modesto A. Maidique, President

III. Overview of the University

Florida International University (FIU) is an urban, multi-campus, doctoral-granting institution located in Miami, Florida's largest population center, with campuses at University Park and Biscayne Bay, selected programs offered in Davie and Fort Lauderdale, and off-campus continuing education programs. The mission of this state University is to serve the people of southeast Florida, the state, the nation and the international community by imparting knowledge through excellent teaching, creating new knowledge through research and fostering creativity and its expression.

Chartered by the Florida Legislature in 1965, the University opened its doors in 1972 to the largest entering class in United States collegiate history. With strong undergraduate programs centered around a rigorous liberal arts core curriculum, FIU now offers more than 200 baccalaureate, master's, and doctoral degree programs through its many Colleges and Schools: Architecture; Arts and Sciences, Computer Science, Music; Business Administration, Business, Accounting; Education; Engineering and Design; Health and Urban Affairs, Health, Nursing, Policy & Management, Social Work; Honors College; Hospitality Management; Journalism and Mass Communication; Law and Graduate School. The University's increasingly prominent art museum, its libraries, and specialized centers and institutes enhance these programs. The University continues to balance its programs for full and part time degree-seeking students and to address the special needs of lifelong learners, traditionally and through distance learning. Campus life fosters a sense of community that provides for the intellectual, aesthetic, social, emotional, physical and moral development of students while providing opportunities for leadership training, awareness of cultural diversity, and sensitivity to social issues and concerns.

Southeast Florida and FIU are alike in their explosive growth, rich ethnic and cultural diversity, and quest for excellence. FIU is a leading institution in one of the most dynamic, artistically expressive, and cosmopolitan cities in the United States, the gateway for Latin America and the Caribbean. The continued globalization of the world's economic, social and political systems adds to the importance of Florida International University's mission, and combined with our subtropical environment, and other strategic location to strengthen Southeast Florida's role as an information and transportation center.

("Reaching For The Top" 1996.)

IV Designation of Responsibilities for Implementation of the Written Affirmative Action Plan (41 CFR 60-2.17(a))

As part of its efforts to ensure equal employment opportunity to all individuals, Florida International University has designated an executive ultimately responsible for implementation of the Affirmative Action Plan, and designated other Executive and Managerial employees as having responsibility for ensuing Equal Employment Opportunity compliance and implementing the Affirmative Action Plan program. To that end, the President, the Vice President, the Director, and those employed as supervisors and managers have undertaken the responsibilities described below.

A. President

The President of the University, Modesto A. Maidique, has ultimate responsibility and accountability for implementing the AAP. This person is responsible, through the Vice President and the Director, for adherence to Florida International University's policy of equal employment opportunity and affirmative action. This role includes, but is not limited to, the following duties:

1. Designate appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring Florida International University's AAP. Ensure that these personnel are identified in writing by name and job title.
2. Ensure that those designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
3. Impart the personal direction that insures total involvement and commitment to equal employment opportunity programs through Florida International University's AAP.

B. Vice President

The Vice President for Human Resources, Vivian A. Sanchez, is responsible for overall supervision of the AAP. The Vice President ensures, through the Director and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of this program is a basis

for evaluating Vivian A. Sanchez's effective work performance. The Vice President's responsibilities include, but are not limited to, the following:

1. Ensure that Florida International University, as an employer, adheres to the stated policy of equal employment opportunity, and monitor the application of equal employment opportunity policies.
2. Develop policies, guidelines, and programs relating to equal employment opportunity.
3. Facilitate internal and external communications to ensure Florida International University's AAP and its policies are made known by:
 - A. Serving as a liaison between Florida International University and minority and female organizations and community action groups concerned with employment opportunities for minorities and women.
 - B. Authorizing use of various communication devices to allow dispersal of AAP information to those involved in the implementation of the program.
4. Ensure that the AAP is reviewed and updated annually in accordance with Florida International University's stated policy.
5. Participate in periodic discussions with management, supervisors, and all other employed personnel to ensure AAP and equal employment opportunity policies are being followed.
6. Provide guidance to managers and supervisors in taking proper action to prevent employees from being harassed in any way, through one-on-one contact.
7. Provide guidance and direction to the Director.
8. Ensure that relevant staff (i.e., directors, managers, and supervisors) is trained regarding the University's EEO and AAP programs, and is aware that their commitment to, and

compliance with, the University's equal employment opportunity efforts and AAP policies is relevant to the evaluation of their job performance.

9. Review the qualifications of all employees to ensure equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
10. Provide career counseling for employees.
11. Conduct periodic audits of:
 - A. Training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives.
 - B. Florida International University's facilities to ensure they are maintained for the use and benefit of all employees and integrated both in policy and practice.
 - C. Florida International University's sponsored educational, training, recreational, and social activities to ensure that all employees are encouraged to participate in accordance with policies on non-discrimination.
12. Work closely with minority and female recruiting sources, state employment offices, rehabilitation and service centers, advising these and all recruiting sources of Florida International University's policies in equal employment.
13. Ensure that all new employees receive a special orientation to Florida International University's equal employment opportunity policies, anti-harassment and discrimination policies, and are thoroughly informed with regard to the AAP and its objectives.
14. Periodically analyze applicant flow to determine the mix of persons applying for employment by race/ethnic origin and gender.
15. Ensure that recruitment advertising is placed in minority and female-oriented publications, as applicable.

16. Review all job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensure that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.

17. Ensure that Florida International University's EEO Reporting Form is properly completed and submitted annually.

C. Director

The Director of Equal Opportunity Programs, Bennie L. Osborne, is responsible for ensuring the directives of the President and Vice President are implemented. The Director's duties include, but are not limited to, the following:

1. Provide direction to Florida International University's employees, as necessary, to carry out all actions required to meet the University's equal employment opportunity and affirmative action commitments.
2. Review, report on, and update Florida International University's AAP at least on an annual basis in accordance with stated policy.
3. Responsible for the design and effective implementation of the AAP at all establishments.
4. Develop, implement, and maintain audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will
 - A. Indicate the need for remedial action and
 - B. Determine the degree to which goals and objectives have been obtained.
5. Advise management in the modification and development of Florida International University's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines.
6. Identify problem areas and establish procedures and action-oriented programs designed to solve these problems.
7. Conduct periodic audits to ensure all required posters reflecting Florida International University's equal employment opportunity policies and AAP are displayed, and ensure that Florida International University's equal employment opportunity and AAP policies are being thoroughly communicated to employees.

8. Develop policy statements, action-oriented programs, internal and external communication techniques.
9. Assist line management in arriving at solutions to EEO/AA problems.
10. Serve as the liaison between Florida International University and enforcement agencies.
11. Keep management informed of the latest developments in the equal employment opportunity area.
12. Work closely with the Vice President and department managers and supervisors in coordinating the effective implementation of all identified affirmative actions.
13. Assist in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.
14. Responsible for ensuring the University's overall compliance with the AAP.

D. Deans, Directors, and Other Managerial Employees

In their direct day-to-day contact with Florida International University's employees, managers and supervisors have assumed certain responsibilities to help the University ensure compliance with equal employment opportunity programs and effective implementation of the AAP. These include, but are not limited to, the following:

1. Adhere to Florida International University's equal employment opportunity and affirmative action policy.
 - A. Support and assist the Vice President and Director in developing, maintaining, and successfully implementing the AAP.
 - B. Provide information or report, as necessary, within their area regarding the status of goal achievement.

- C. Take action to prevent harassment of employees placed through affirmative action efforts.
-
- 2. Assign employees to significant jobs that might lead to greater personal growth and value, and counsel them with respect to what is needed for upward mobility within the employment structure.
 - 3. Ensure that all interviews, offers of employment and/or wage commitments are consistent with Florida International University's policy.
 - 4. Implement the internal promotion and transfer of all employees under their supervision consistent with AAP goals and objectives.
 - 5. Assist in identifying problem areas and provide needed information for establishing and meeting department affirmative action goals and objectives.

V. Workforce Analysis, Job Groups, Availability and Utilization Analysis

A. Workforce Analysis (Exhibit A)

The workforce analysis was developed based upon the functional departments of the University. Certain functional departments, which were subdepartments of a larger functional unit and which contain only a minimal number of employees, were incorporated into the larger functional unit. The Workforce Analysis ranks the jobs encompassed in each functional unit, including department supervisors. It should be noted that the University maintains no formal job progression lines or usual promotional sequences. This organizational structure allows an employee to move freely from job to job and/or department to department based upon the employee's ability to perform the basic skills necessary to perform the job and meet the pre-established minimum qualifications of the job, the employee's desire to be promoted or transferred, the occurrence of such an opening and the approval of management to make such a move.

The Workforce Analysis has displayed, within each functional unit and for each job title, the total number of incumbents, the total number of male and female incumbents, and total number of male and female incumbents who are White, Black, Asian, Native American, and Hispanic.

B. Job Group Analysis (Exhibit B)

During the 2005-2006 year, the University devoted substantial time and effort to improving and restructuring its Affirmative Action Plan to produce a more appropriate and useful tool for detecting areas of underutilization, establishing goals, and gauging the University's progress toward such goals, as well as for analyzing selection and other personnel processes at the University. This restructuring was undertaken by the University in furtherance of its commitment to diversity and equal employment opportunity. The major changes made in connection with this restructuring were the modification of Job Groups (both faculty and non-faculty) and the inclusion of Job Groups for OPS employees (excluding OPS Students and OPS Faculty).

Based upon the OFCCP guidelines, jobs within the University were analyzed in an effort to define and establish groups of jobs having similar content, similar opportunities (the same chances of promotion to higher level jobs), and similar wage ranges or salary ranges. The results of this analysis are included in the Affirmative Action Plan Job Group Analysis. The Job Group Analysis reflects the groupings of all positions within the University, with the exception of Temporary (formerly OPS) faculty (adjuncts) and

student employees (Graduate Assistants, Graduate Resident Assistants, Graduate Teaching Assistants, Student Assistants and Work Study Employees). The Temporary job groups are categorized broadly, using the EEO 6 categories. The University is in the process of assigning more specific titles to Temporary positions, to aid in the identification of areas of underutilization. The current Job Group titles are as follow:

JOB GROUP	TITLES
1	FACULTY/ADMIN (Tier 1)
2	FACULTY/ADMIN (Tier 2)
3	FACULTY/ADMIN (Tier 3)
4	FACULTY/ADMIN (Tier 4)
5	EXECUTIVE (Tier 1)
6	EXECUTIVE (Tier 2)
7	ACADEMIC/STUDENT AFFAIRS ADMIN (Tier 1)
8	ACADEMIC/STUDENT AFFAIRS ADMIN (Tier 2)
9	FISCAL/HR ADMINISTRATION (Tier 1)
10	FISCAL/HR ADMINISTRATION (Tier 2)
11	FACILITIES/TECHNICAL ADMINISTR. (Tier 1)
12	FACILITIES/TECHNICAL ADMINISTR. (Tier 2)
13	ATHLETICS (Tier 1)
14	ATHLETICS (Tier 2)
15	ATHLETICS (Tier 3)
16	PUBLIC/ALUMNI RELATIONS ADMIN. (Tier 1)
17	PUBLIC/ALUMNI RELATIONS ADMIN. (Tier 2)
18	FACULTY-BUSINESS MGMT & LAW (Non-Tenure Earning)
19	FACULTY-BUSINESS MGMT & LAW (Tenure Earning)
20	FACULTY-BUSINESS MGMT & LAW (Tenured)
21	FACULTY-HEALTH/URBAN AFFAIRS (Non-Tenure Earning)
22	FACULTY-HEALTH/URBAN AFFAIRS (Tenure Earning)
23	FACULTY-HEALTH/URBAN AFFAIRS (Tenured)
24	FACULTY-ENGINEERING/COMPUTER (Non-Tenure Earning)
25	FACULTY-ENGINEERING/COMPUTER (Tenure Earning)
26	FACULTY-ENGINEERING/COMPUTER (Tenured)
27	FACULTY-COMMUNICATIONS/LANGUAGE (Non-Tenure Earning)
28	FACULTY-COMMUNICATIONS/LANGUAGE (Tenure Earning)
29	FACULTY-COMMUNICATIONS/LANGUAGE (Tenured)
30	FACULTY-SCIENCE/MATH (Non-Tenure Earning)
31	FACULTY-SCIENCE/MATH (Tenure Earning)
32	FACULTY-SCIENCE/MATH (Tenured)

33	FACULTY-SOCIAL SCIENCES (Non-Tenure Earning)
34	FACULTY-SOCIAL SCIENCES (Tenure Earning)
35	FACULTY-SOCIAL SCIENCES (Tenured)
36	FACULTY-EDUCATION (Non-Tenure Earning)
37	FACULTY-EDUCATION (Ternure Earning)
38	FACULTY-EDUCATION (Tenured)
39	FACULTY-PERFORMING/VISUAL ARTS (Non-Tenure Earning)
40	FACULTY-PERFORMING/VISUAL ARTS (Tenure Earning)
41	FACULTY-PERFORMING/VISUAL ARTS (Tenured)
42	PROFESSIONAL-NON FACULTY
43	PROFESSIONAL-NON FACULTY
44	PROFESSIONAL-NON FACULTY (Coord. Acad/Student Affrs)
45	PROFESSIONAL-NON FACULTY (Coord. Fiscal/HR)
46	PROFESSIONAL-NON FACULTY (Coord. Facilities/Technical)
47	PROFESSIONAL-NON FACULTY (Coord. Public/Alumni Relations)
48	PROFESSIONAL-NON FACULTY (Prof Tier 2)
49	PROFESSIONAL-NON FACULTY (Prof Tier 1)
50	CLERICAL/SECRETERIAL (Tier 2)
51	CLERICAL/SECRETERIAL (Tier 1)
52	TECHNICAL/RESEARCH SUPPORT (Tier 2)
53	TECHNICAL/RESEARCH SUPPORT (Tier 1)
54	SKILLED CRAFT
55	SERVICE MAINTENANCE (Tier 2)
56	SERVICE MAINTENANCE (Tier 1)
57	SERVICE MAINTENANCE (Law Enf. Tier 2)
58	SERVICE MAINTENANCE (Law Enf. Tier 1)
59	OTHER PERSONNEL SERVICES (Exec/Adm/Mng)
60	OTHER PERSONNEL SERVICES (Support Services)
61	OTHER PERSONNEL SERVICES (Clerical Secretarial)
62	OTHER PERSONNEL SERVICES (Technical/Paraprofessional)
63	OTHER PERSONNEL SERVICES (Skilled Craft)
64	OTHER PERSONNEL SERVICES (Service/Maint)

C. Availability by Job Group:

A utilization analysis is required by the governmental regulations to be based on statistical comparisons. All statistical comparisons herein involve the use of a geographic area and various sources of statistics as of October 1, 2005. Geographic areas and sources of statistics used herein were used in compliance with governmental regulations.

A determination of the reasonable minority and female availability in each established job group was made by conducting an analysis by job group for minorities and women. In determining whether minorities or women are underutilized in any job group, the University considered, as required by the regulations, the following two factors: (1) the availability of minorities or women having the requisite skills in the areas in which the University can reasonably recruit; and (2) the availability of promotable, transferable and trainable minorities within the contractor's organization.

D. Utilization Analysis:

The utilization analysis by job group that is reflected under Exhibit C was prepared using the availability factors set forth in the availability analysis. The analyses indicate those job groups for which underutilization exists for minorities (as well as specific minority groups (Black, Asian, Hispanic and Native American) and females. The complete and a summary version of the utilization analysis are reflected as Exhibits C and D.

VI. Identification and Correction of Problem Areas (41 CFR 60-2.17(b))

Those practices that have been analyzed are: workforce, applicant flow, new hires, promotions, transfers, training and terminations. If, on the basis of the analysis, a problem area is discovered which contributes to underutilization of minorities and/or females, then special corrective action shall be taken.

A. Identification of Problem Areas:

In general terms, the current AAP reflects that the University has continued to make progress in placing minorities and women in various organizational units and job groups. The University's analysis for the 2005-2006 AAP shows that minorities and women are not restricted to any particular organizational unit or job. At the present time, minorities and women are involved in all major departments and units at the University, and their progress into high-level jobs continues. An analysis of the following areas has been made – the findings resulting from such analysis are reflected below:

1. The composition of the workforce in terms of the overall numbers of minority groups and women continues to reflect the University's strong commitment to equal employment opportunity.

Percentage placement goals are established when the population of women or minorities in a particular job group is significantly less than the determined availability. Job groups reflecting such underutilization are listed on the Placement Goals report. It is the University's intention to establish appropriate Placement Goals and to work toward improving the representation of minorities and women in those job groups. However, the University does not view these goals as rigid quotas, and will neither grant nor deny any individual any employment opportunity because of that individual's race, color, religion, sex or national origin. The Table on page 25 summarizes the goals that have been established for the current program year, as well as steps that the University will take to meet such placement goals.

2. The University has examined its total selection process, including applicant recruitment, application forms, job descriptions, promotion processes and other personnel activities. No standards are used which have the effect of eliminating from consideration for hiring or promotion a significantly higher percentage of minorities or women than of non-minorities or

men, given availability. Position descriptions are reviewed periodically and properly identify job-related requirements. Employment interviewing and screening is performed by personnel fully cognizant of the University's EEO policy.

3. The University has conducted a statistical analysis of its selection processes in compliance with Uniform Guidelines on Employee Selection Procedures, 41 CFR Part 60-3 (1978). This analysis reveals no gender, race, or ethnicity-based disparities in hiring or promotions. The impact analysis with respect to the selection of Temporary (formerly OPS) employee reflected areas of concern, but this resulted from the broad (EEO-6) categories that have historically been used to define the very large population of Temporary employees, occupying a variety of positions at the University. The University is in the process of assigning more appropriate/specific titles and job codes to Temporary position to enable the University to more appropriately refine the Temporary job groups and conduct an impact analysis with probative value in detecting disparities.
4. The University has engaged in an examination of its compensation practices, including a statistical analysis of non-faculty compensation to detect any inappropriate disparities, as required by 41 CFR 60-2.17. The results did not reveal disparities in compensation based upon minority status or gender. Further analysis was conducted on select job groups to ensure that compensation practices are consistent with the equal employment opportunities goals of the University. The University will continue to perform appropriate compensation reviews of its workforce.
5. The University's physical facilities, sponsored recreation and social events, and special programs, including educational assistance, have been reviewed. Such program are all applied for and made available on a nondiscriminatory basis. The use of the University's facilities will not be permitted on any basis inconsistent with the equal employment opportunity policy.
6. The University is reviewing its record-keeping system to ensure the effective tracking and record retention regarding all hiring and promotional activity for faculty, non-faculty and temporary employees. The log of applicants meeting the basic qualifications for posted positions will be maintained by the Human Resource Department and records concerning all

applicants considered by the University will be retained in accordance with the OFCCP Internet Applicant regulations.

7. The University has reviewed its technical compliance, such as, EEOC posters and policy statements, EEO statements on applications, and the appropriate method of obtaining self-identification information (ethnicity and gender) from applicants. The University has made improvements to certain of these areas and will continue to conduct periodic reviews of same.
8. The University has analyzed its progress toward achieving the Placement Goals established in the prior year 2004-2005 Affirmative Action Plan. The University has made progress from its previous Affirmative Action Plan, achieving its Placement Goals in a number of job groups. The Table reflected on page 27 reflects the University's progress toward its prior Placement Goals. The University recognizes that it has not achieved all of its Placement Goals for the 2004-2005 year, and new Placement Goals have been established to guide the University's efforts toward eliminating same. As noted, the University's Placement Goals for the current 2005-2006 Affirmative Action Plan are reflected on page 26.
9. There is no lack of access to suitable housing, which might impede the employment of minorities and women by the University. Transportation, both public and private, is not a significant problem with respect to minority and female employment.
10. No de facto segregation exists at the University.
11. No artificial barriers or restrictive seniority provisions that result in overt or inadvertent discrimination exist at the University.
12. Support for the University's policy of equal employment opportunity on the part of managers, supervisors, and employees is strong. The written Affirmative Action Plan has been fully communicated and has support at all levels of management.

B. Special Corrective Actions (41 CFR 60-2.17(b)):

We have conducted this analysis in order to ensure that the University's commitment to EEO and affirmative action is being fully implemented. Having completed such an analysis, the University has reached the following conclusions regarding the continuing efforts and programs that will be engaged in by the University to correct areas of underutilization and avoid disparities in any selection process, compensation or benefits, or other terms and conditions of employment.

1. It is the University's intention is to examine periodically the workforce composition and to establish appropriate goals in order to improve the representation of minorities and women where impediments may exist. Placement Goals for the 2005-2006 plan year have been established below, and the activities noted herein will focus on ensuring that:, particularly with respect to the job groups in which Placement Goals have been set:, the following specific actions will be undertaken:
 - A. Review of selection processes to ensure that no barriers to hiring or promotion of minorities or women exist within the specified areas of the University.
 - B. Review of recruitment, advertising, job posting methods and sources to ensure that the University is optimizing its recruitment of qualified applicants for these specific areas of the University.
 - C. Review of training efforts and opportunities provided to employees, to assess whether they are being provided in a non-discriminatory manner and whether further proactive efforts can increase the number of female and minority employees within the University who are qualified to be promoted to these specific areas.
 - D. Management in the relevant departments will be informed of the Placement Goal established in their areas.
2. The Director is responsible for reviewing this selection process periodically to assure that any requisite qualifications are job-related and nondiscriminatory, and that all selection procedures are gender and race neutral.

3. The University will continue to conduct an impact analysis of hiring and promotions within the affirmative action job groups to identify any disparities in same, and aid in detecting any areas where inappropriate barriers to hiring or promotion exist.
4. All new employees will continue to be advised that all employee benefits, salaries, and benefit programs are administered in a totally nondiscriminatory fashion, and provided with relevant policies concerning the University's commitment to equal employment opportunity and to its affirmative action program, including its grievance procedures for employees to report claims of discrimination and/or harassment.
5. The techniques that have been established for evaluating the effectiveness of the University's AAP include periodic review by the Director of the data contained in the Required Support Data section. Further, the Director will make continuing and periodic reports to management regarding the status of the AAP and the progress being made.

2005 PLACEMENT RATE GOALS

The following table summarizes the Placement Goals that have been set for the University for the current AAP year. The University will make good faith efforts (described above) to produce measurable results in attaining the established Placement Goals, as business conditions and placement opportunities allow for same.

Job Group	Minority Goal	Female Goal
1 – Faculty/Admin. (Tier 1)	--	49.51%
2 – Faculty/Admin. (Tier 2)	--	46.22%
4 – Faculty/Admin. (Tier 4)	23.08%	--
5 – Executive (Tier 1)	--	43.78%
6 – Executive (Tier 2)	--	55.77%
13 – Athletics (Tier 1)	26.99%	63.75%
15 – Athletics (Tier 3)	--	60.14%
18 – Business Mgmt/Law (Non-Tenure Earning)	59.26%	--
19 – Business Mgmt/Law (Tenure Earning)	--	45.47%
20 – Business Mgmt/Law (Tenured)	45.80%	45.34%
21 – Health/Urban Affairs (Non-Tenure Earning)	55.00%	--
23 – Health/Urban Affairs (Tenured)	46.69%	--
24 – Engineering/Comp. (Non-Tenure Earning)	77.14%	--
25 – Engineering/Comp. (Tenure Earning)	--	44.54%
26 – Engineering/Comp. (Tenured)	--	45.64%

27 – Communications/Lang. (Non-Ten. Earning)	--	87.50%
29 – Communications/Languages (Tenured)	--	45.80%
31—Science/Math (Tenure Earning)	--	44.83%
32—Science/Math (Tenured)	45.93%	45.54%
35 – Social Sciences (Tenured)	44.07%	46.96%
36 – Education (Non-Tenure Earning)	23.08%	--
40 – Performing/Visual Arts (Tenure Earning)	--	41.93%
41 – Performing/Visual Arts (Tenured)	46.29%	--
58 – Service/Maintenance (Law Enforce. Tier 1)	82.00%	20.45%

VII. Accomplishment of Prior Year Placement Goals (41 CFR 60-1.40(c)) 41 CFR 60-1.12(b), -2.1(c) and -2.16

The University developed action-oriented programs designed to accomplish the established goals and objectives, thereby enhancing the employment and advancement opportunities in the University for minorities and women. These efforts resulted in achieving some goals and objectives, making significant progress toward accomplishing others, and strengthening the affirmative action program overall. The results of the prior year's Affirmative Action Plan are identified on the following report.

**ACCOMPLISHMENT OF 2004-2005
PLACEMENT RATE GOALS**

Job Group	Minority Goal	Female Goal	Achieved/Actual Rate
1 – Faculty/Admin. (Tier 1)	--	55.01%	No
2 – Faculty/Admin. (Tier 2)	--	47.55%	No
4 – Faculty/Admin. (Tier 4)	75.03%	--	No
5 – Executive (Tier 1)	--	43.78%	Yes – 60.00%
6 – Executive (Tier 2)	--	55.77%	Yes – 57.14%
13 – Athletics (Tier 1)	--	65.23%	Yes – 100%
15 – Athletics (Tier 3)	--	54.24%	No
18 – Business Mgmt/Law (Non-Ten. Earning)	55.56%	--	No
20 – Business Mgmt/Las (Tenured)	45.80%	45.34%	Yes – 50% Female
21 – Health/Urban Affairs (Non-Ten. Earning)	55.00%	--	No
23 – Health/Urban Affairs (Tenured)	46.49%	--	Yes – 100%
24 – Engineering/Comp. (Non-Ten. Earning)	77.14%	--	No
25 – Engineering/Comp. (Tenure Earning)	--	44.54%	No
26 – Engineering/Comp. (Tenured)	--	45.64%	No
27 -- Communications/Lang. (Non-Ten. Earn.)	--	87.50%	Yes – 100%
29 – Communications/Lang. (Tenured)	45.80%	--	No
31 – Science/Math (Tenure Earning)	--	44.83%	Yes – 50%
32 – Science/Math (Tenured)	45.93%	45.51%	Yes – 50% Female
35 – Social Sciences (Tenured)	44.07%	46.96%	No
36 – Education (Non-Ten. Earning)	23.08%	--	No
40 – Performing/Visual Arts (Tenure Earning)	--	41.93%	No
41 – Performing/Visual Arts (Tenured)	46.29%	--	No
58 – Service/Maintenance (Law Enf. Tier 1)	82.00%	20.45%	No

VIII. The Development and Execution of Action-Oriented Programs (41 CFR 60-2.17(c))

In addition to the proactive measures described in Section VI above, the University will continue the following action-oriented programs or procedures designed and undertaken in order to further the University's commitment to Equal Employment Opportunity and diversity within its workforce:

1. Work specifications are monitored and changed as necessary to ensure that they do not screen out minorities and women and that they are job-related.
2. The University continues to evaluate the entire selection process and to make every good faith effort to select persons according to ability and qualifications, while recognizing its commitment to take affirmative action to remove impediments to women and minority entrants. Recruitment sources are notified of the University's policy of nondiscrimination. There is no department or job group in the University that is limited or closed to employees of a particular race, color, age, religion, disability, military status, gender, or national origin. Further, to help bring about Equal Employment Opportunity, the University analyzes all selection techniques and employment standards periodically and, where they are found to create a potential impediment for minorities or women, to revise them unless they are job-related.
3. The University uses the following techniques to maintain a satisfactory flow of qualified minority and women applicants:
 - a. Encouragement of minority and women employees to refer friends to the University for potential employment.
 - b. Inclusion of special recruitment efforts designed to reach minorities and women at other educational institutions.
4. The University will periodically review its promotion criteria and procedures to ensure that promotional decisions are made without regard to race, color, age, religion, disability, military status, gender, or national origin. In an effort to maintain acceptable promotion rates for qualified minorities and women, the University utilizes the following procedures:
 - a. Providing job training, including such assistance as tuition reimbursement.

- b. Providing an employee evaluation program.
 - c. Reviewing work specifications to ensure job-relatedness.
 - d. Reviewing promotional decisions and requiring such decisions to be justified on a nondiscriminatory basis.
5. The University continually makes certain that its facilities and University-sponsored social and recreational activities are not segregated, and actively encourages all employees to participate in any such University-sponsored events.

IX. Internal Audit and Reporting Systems (41 CFR 60-2.17(d))

The University believes that one of the most important elements in effectively implementing a written Affirmative Action Plan is an adequate internal audit and reporting system. Through this system, the total program can be monitored for effectiveness, and management can be kept informed. For this purpose, the University has established the following internal audit and reporting system:

1. Monitor records at all levels of personnel activity to ensure a nondiscriminatory policy is carried out.
2. Progress toward meeting goals is monitored periodically. Results of the monitoring analyses are communicated with recommendations, if necessary, to management.
3. Where necessary, the Director communicates with senior management at least once a year at a minimum concerning recommendations to improve AAP results.

X. Other Policies and Procedures Prohibiting Discrimination/Harassment, and Creating Grievance Mechanisms for Reporting Same.

In addition to the University's Equal Employment Opportunity policy (stated in Section I. above), the following policies are maintained by the University, and disseminated to its employees, to further ensure equal treatment of employees without regard to minority status or gender, and to enable employees to report issues of concerning regarding discrimination or harassment.

A. Sexual Harassment

Purpose:

To ensure that the University environment is free of sexual harassment, and that faculty, staff and students are provided the means to seek recourse should any incidents occur.

Policy:

The University recognizes that sexual harassment undermines the integrity of the academic and work environment, and it prevents its victims and their peers from achieving their full potential. All members of the University community are entitled to work and study in an atmosphere free from sexual overtures or innuendos that are unsolicited and unwelcome. It is the particular responsibility of those members of the University community who hold positions of authority over others to avoid actions that are, or can be, considered sexually abusive or unprofessional. It shall be a violation of the University's rule on sexual harassment for any officer, employee, or agent to sexually harass (as sexual harassment is defined below) any other officer, employee, student, or agent. Sexual harassment is a type of misconduct, which may result in disciplinary or other action.

Procedure:

The director of the Office of Equal Opportunity Programs shall administer the policies and procedures outlined in this policy.

To ensure that the University environment is free of sexual harassment, and that faculty, staff and students are provided the means to seek recourse should any incidents occur.

Informal Complaints

- a. Any person who believes that he or she has been the subject of sexual harassment may elect to file an informal complaint with the Office of Equal Opportunity Programs.
- b. The request must be made within sixty (60) days of the alleged act(s) of sexual harassment.

- c. In the case of a student complaint against a faculty member, the complaint must be made within ten (10) University business days of the beginning of class of the following semester.
- d. Thirty (30) days shall be allowed to resolve an informal complaint.
- e. Should the problem not be resolved satisfactorily using this procedure, or should the complainant wish to bypass this procedure, he or she may initiate a formal complaint.

Formal Complaints

- a. A formal request must be made in writing to the Office of Equal Opportunity Programs. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender and the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s).
- b. The complaint must be filed within one hundred (100) days of the alleged act(s) of sexual harassment.
- c. In the case of a student complaint against a faculty member, the complaint must be made within ten (10) University business days of the beginning of class of the following semester.
- d. Where an informal complaint has already been filed, a formal complaint shall be filed within one hundred (100) days of the alleged act(s).
- e. Thirty (30) days shall be allowed to resolve the complaint.
- f. Conciliation may be attempted during the course of an investigation of a complaint.
- g. If conciliation is not achieved, then the Office of Equal Opportunity Programs shall continue to investigate the complaint, and shall issue a written finding concerning probable cause within a maximum of one hundred (100) days. If conciliation of the complaint was achieved between the parties in cooperation with the Office of Equal Opportunity Programs, and the alleged offender fails to abide by the agreement or retaliates against the complainant, the complainant or supervisor should notify the Office of Equal Opportunity Programs. The Vice President or a designee may then require the complaint to proceed as if conciliation had not been reached.
- h. Either party may seek review of the finding of the Office of Equal Opportunity Programs to the Vice President or designee by filing a request for a review within ten (20) calendar days of receipt of the Office of Equal Opportunity Programs finding. It shall specify the basis of the appeal. The appeal shall be based on one or more of the following: relevant evidence was not reviewed and/or new evidence is available; or, the factual evidence was insufficient to support the findings.
- i. Upon final acceptance by the Vice President of a finding on the complaint, the immediate supervisor of the alleged offender may provide a reasonable resolution to the complaint and may also recommend or take disciplinary action against the alleged offender;
- j. The proposed resolution shall be approved by the Office of Equal Opportunity Programs.

k. Disciplinary action shall be taken in accordance with the rules and regulations affecting the class of employee and the terms of any applicable collective bargaining agreement.

No University employee shall retaliate against a complainant. Any attempt to penalize a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.

B. Sexual Harassment/Educational Equity Grievance Procedure

Purpose:

To ensure that the University environment is free of illegal discrimination based upon race, color, creed, age, handicap, sex (including sexual harassment), religion, marital status, or national origin, and that faculty, staff, and students are provided the means to seek recourse should incidents occur.

Policy:

All members of the University community are entitled to study and work in an atmosphere free from illegal discrimination. The University's equal opportunity policies prohibit discrimination against students and employees on the basis of their race, color, creed, age, handicap, sex (including sexual harassment), religion, marital status, or national origin. Under the policies, it does not matter whether the discrimination was intended or not; rather, the focus is on whether students or employees have been treated differently or subjected to an intimidating, hostile or offensive environment as a result of their belonging to a protected class or having a protected status.

Procedure:

Students

For complaints filed under the EEA the complaint will be reviewed prior to action by the office of Equal Opportunity Programs to ensure that the complaint should not more appropriately be handled under existing student complaint procedures which are in place within the Divisions of Student Affairs and Academic Affairs. In cases where either of those procedures is applicable, the student will be referred to the appropriate office.

Employees

Employees who seek to file a complaint will be invited to consider filing the complaint under the applicable union agreement, or applicable University faculty, A&P or USPS grievance procedure.

In all instances, complaint will be instructed to select one grievance or complaint procedure. The Office of Equal Opportunity Programs will not act to concurrently investigate a grievance or complaint which is being pursued through another internal or external process.

Informal Complaints

- a. Any person who believes that he or she has been the subject of sexual harassment may elect to file an informal complaint with the Office of Equal Opportunity Programs.
- b. The request must be made within sixty (60) days of the alleged act(s) of sexual harassment, or
- c. In the case of a student complaint against a faculty member, within ten (10) University business days of the beginning of class of the following semester.
- d. Thirty (30) days shall be allowed to resolve an informal complaint.
- e. Should the problem not be resolved satisfactorily using this procedure, or should the complainant wish to bypass this procedure, he or she may initiate a formal complaint.

Formal Complaints

- a. A formal request must be made in writing to the Office of Equal Opportunity Programs. The complaint shall contain the name of the complainant and state the nature of the act(s) complained of, including such details as the name of the alleged offender and the date(s) or approximate date(s) on which the offending act(s) occurred, the name(s) of any witnesses, and the desired resolution(s).
- b. The complaint must be filed within one hundred (100) days of the alleged act(s) of sexual harassment.
- c. In the case of a student complaint against a faculty member, the complaint must be made within ten (10) University business days of the beginning of class of the following semester.
- d. Where an informal complaint has already been filed, a formal complaint shall be filed within one hundred (100) days of the alleged act(s).
- e. Thirty (30) days shall be allowed to resolve the complaint.
- f. Conciliation may be attempted during the course of an investigation of a complaint.
- g. If conciliation is not achieved, then the Office of Equal Opportunity Programs shall continue to investigate the complaint, and shall issue a written finding concerning probable cause within a maximum of one hundred (100) days. If conciliation of the complaint was achieved between the parties in cooperation with the Office of Equal Opportunity Programs, and the alleged offender fails to abide by the agreement or retaliates against the complainant, the complainant or supervisor should notify the Office of Equal Opportunity Programs. The Vice President or a designee may then require the complaint to proceed as if conciliation had not been reached.
- h. Either party may seek review of the finding of the Office of Equal Opportunity Programs to the Vice President or designee by filing a request for a review within ten (20) calendar days of receipt of the Office of Equal Opportunity Programs finding. It shall specify the basis of the appeal. The appeal

shall be based on one or more of the following: relevant evidence was not reviewed and/or new evidence is available; or, the factual evidence was insufficient to support the findings.

- i. Upon final acceptance by the Vice President of a finding on the complaint, the immediate supervisor of the alleged offender may provide a reasonable resolution to the complaint and may also recommend or take disciplinary action against the alleged offender;
- j. The proposed resolution shall be approved by the Office of Equal Opportunity Programs.
- k. Disciplinary action shall be taken in accordance with the rules and regulations affecting the class of employee and the terms of any applicable collective bargaining agreement.

No University employee shall retaliate against a complainant. Any attempt to penalize a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.