

ACADEMIC PERSONNEL
AFFIRMATIVE ACTION PROGRAM

I. REFERENCES

- A.** Executive Order 11246, as amended by 11375 and 12086.
- B.** Revised Order No. 4 (Part 60-2), Chapter 60, Title 41 of the Federal Regulations as published in the Federal Register (36 F.R. 17444) of December 4, 1971.
- C.** Title IX of the Education Amendments of 1972, as Amended, as published in the Federal Register (F.R. Doc. 75-14551) of June 4, 1975.
- D.** Memorandum to College and University Presidents, Office for Civil Rights, Department of Health, Education and Welfare, August 1975.
- E.** Section 503 of the Rehabilitation Act of 1973.
- F.** Age Discrimination in Employment Act of 1967.
- G.** Section 402 of the Vietnam Veterans Readjustment Act of 1974.
- H.** Equal Employment Opportunity Commission Guidelines on Affirmative Action as published in the Federal Register (44 F.R. 4422) effective February 20, 1979.
- I.** Equal Employment Opportunity Commission Guidelines on Discrimination because of Sex, 29 CFR Part 1604.11, Sexual Harassment, as published in the Federal Register (45 F.R. 25024).
- J.** Americans with Disabilities Act of 1990.
- K.** Section 12926 of the California Government Code, Fair Employment and Housing Act.
- L.** University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment, July 25, 1996.

II. RELATED POLICIES

- A.** Academic Personnel Manual (APM), University of California.
 - 015 Faculty Conduct and Administration of Discipline, Including the Faculty Code of Conduct
 - 035 Interim Policy, Affirmative Action and Non-Discrimination in Employment

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036 Interim Policy, Employment

140 Non-Senate Academic Appointees/Grievances

B. Academic Senate Bylaw 335 - Committee on Privilege and Tenure (Statewide)

C. Bylaws of the San Diego Division of the Academic Senate, Section 230: Privilege and Tenure

D. UCSD Policy and Procedure Manual (PPM)

200-8 Chancellor's Advisory Committee on Affirmative Action

200-8.1 Affirmative Action Personnel Program

200-8.6 Affirmative Action Program for the Employment of Handicapped Persons, Special Disabled Veterans, and Vietnam Era Veterans

230-5 Non-Senate Academic Appointees/Grievances

E. UCSD Implementing Procedures for the UC Personnel Policies for Staff Members

12 Nondiscrimination in Employment

14 Affirmative Action

III. POLICY

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related), ancestry, marital status, age, sexual orientation, citizenship, or status as a Vietnam-era veteran or special disabled veteran. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal law and University policies.

In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a State and Federal contractor, for underutilized minorities and women, for persons with disabilities, and for Vietnam-era veterans and special disabled veterans. The University commits itself to apply every good faith effort to achieve prompt and full utilization of minorities and women in all segments of its workforce where deficiencies exist. These efforts conform to all current legal and regulatory requirements, and are consistent with University standards of quality and excellence.

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In conformance with Federal regulations, a written affirmative action plan shall be prepared and maintained at the U.C. San Diego campus. This plan shall be reviewed and approved by the Office of the President and the Office of the General Counsel before it is officially promulgated.

This is UCSD's institutional commitment and the personal commitment of its Senior Vice Chancellor-Academic Affairs who serves as the Coordinator of Academic Affirmative Action. Failure to execute this Academic Personnel Affirmative Action Program in full will not be tolerated. All personnel share in the responsibility to accomplish the objectives.

IV. RESPONSIBILITY

A. Coordinator of Academic Affirmative Action

The Senior Vice Chancellor-Academic Affairs serves as Coordinator of Academic Affirmative Action. The Senior Vice Chancellor-Academic Affairs has been delegated responsibility for the effective implementation of all aspects of this Academic Personnel Affirmative Action Program and its procedures. The Coordinator of Academic Affirmative Action reports directly to the Chancellor.

B. Director-Office of Academic Affirmative Action

The Director-Office of Academic Affirmative Action (Director-OAAA) assists and advises the Coordinator in all matters pertaining to academic affirmative action.

By delegation from the Coordinator, the Director-OAAA:

1. Assists and advises all academic departments in their implementation of the academic affirmative action plan; informs and instructs departments regarding federal and state legislation, University policy, and campus procedures.
2. Reviews affirmative action compliance for every salaried academic appointment; advises those who have been delegated authority to approve compliance actions; approves compliance actions as delegated by the Coordinator of Academic Affirmative Action. An academic appointment must in compliance with affirmative action policy before an appointment may be offered.
3. Informs and as necessary advises the administration on data covering academic personnel actions including new appointments, merit increases, promotions, separations, etc.
4. Prepares the annual update of the academic affirmative action plan for submission to the Office of Federal Contract Compliance Programs and other reports as required.
5. Provides special advice and assistance to individual academic employees as required.

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6. Serves as consultant to the Academic Subcommittee of the Chancellor's Advisory Committee on Affirmative Action and appropriate committees of the Academic Senate.

C. Deans, Department Chairs, Directors, Program Coordinators

1. Insure compliance with this policy statement and all accompanying procedures.
2. Establish and maintain records to demonstrate affirmative action efforts and progress.
3. Approve affirmative action compliance actions when authority has been delegated by the Coordinator of Academic Affirmative Action.

V. APPLICATION OF ACADEMIC PERSONNEL POLICY: ACADEMIC DEPARTMENTS/ORGANIZED RESEARCH UNITS/PROGRAMS

Academic 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 special disabled and Vietnam era veterans.

B. Selection

Selections for academic 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 special disabled or Vietnam era 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

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manner which shall assure continuation of University standards of excellence.

Opportunity for promotion shall be available equally to all eligible academic employees without regard to race, religion, ethnicity, color, sex, national origin, disability, or status as a special disabled or Vietnam era 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 special disabled or Vietnam era veteran.

D. Transfer

All transfers of employment 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 special disabled or Vietnam era veteran.

E. Merit Increase

Merit increases are to be awarded to academic employees on the basis of academic attainment, experience, and 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 special disabled or Vietnam era 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 special disabled or Vietnam era 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 special disabled or Vietnam era veteran.

VI. PROCEDURES

A. Recruitment Procedures for Academic Departments, Organized Research Units, Programs

To ensure equal opportunity for all--including women, minorities, persons with disabilities, special disabled veterans, or Vietnam era veterans--affirmative action is required in many personnel actions especially in the actions of recruiting and selecting qualified candidates for appointment. In order to assure the success of the Academic Personnel Affirmative Action Program, the procedures for recruitment described below must be followed.

1. Recruitment

a. Types of Appointments Requiring an Open Recruitment

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For the two types of appointments listed below, a thorough and determined open recruitment must be conducted both inside and outside UCSD for a wide range of qualified candidates before selections are made and appointment files prepared.

(1) New Appointments

A new appointment is defined as employment of an individual whose immediately prior status was:

- (a) Not in the employ of the University of California, San Diego, or
- (b) In the employ of the University of California, San Diego, but with an employment title that is different than the title/series being proposed.

(2) Transfers

There are two types of permanent transfers: inter-campus (within the University of California system) and intra-campus (within the UCSD campus).

b. Types of Appointments Not Requiring an Open Recruitment

While each organizational unit must actively pursue the goals of the Academic Personnel Affirmative Action Program in all phases of hiring, the extensive recruiting effort is not required for the types of appointments listed below. An appointment that exceeds the conditions and limitations set forth below requires a full scale open recruitment. Furthermore, it is the responsibility of the head of the organizational unit to inform persons appointed in the below categories of this requirement prior to any subsequent appointment in which an open recruitment is required.

- (1) "Visiting" titles when appointee is on leave from another university or college or public or private research laboratory.
- (2) Postgraduate Research appointments (all of which are limited to five years).
- (3) Non-salaried appointments (including those appointments funded 8/8 through the Veterans Administration).
- (4) Appointments for 50% time or less, including those funded 4/8 or more by the VA, except for ladder-rank positions. A full search will be required for ladder-rank positions regardless of

percentage time of appointment.

- (5) Appointments at more than 50% time but limited to *two quarters* or less (9-month basis) or *six months* or less (11-month basis).

NOTE: Any extension beyond two quarters or six months (total time worked at UCSD) requires an open recruitment unless the proposed reappointment is 50% time or less.

- (6) Graduate student employment (Associate In--, Intern, Resident, Medical Fellow, Instructional Assistant [Reader, Teaching Assistant, Teaching Fellow], Research Assistant and Tutor-Student) and supplementation of fellowships since these appointments are based entirely on the status, qualifications, and needs of the appointee as a student.

2. Implementing the Recruitment Process

Considering the amount of time to conduct a thorough search and to submit an appointment file on the proposed candidate to the Academic Personnel Office, it is important that the following steps be initiated as early as possible.

- a. *UCSD Academic Affirmative Action Recruitment Plan Summary Form*
(See *Exhibit A*)

The *UCSD Academic Affirmative Action Recruitment Plan Summary Form* is mandatory for all positions that require an open recruitment. The form is a concise description of the position available, qualifications required, and planned recruitment process. It includes the proposed text of the advertisement, an identification of recruitment sources to be used and the names of the search committee members. This form must be signed by the Chair (or the Acting or Vice Chair in the Chair's absence). It must be submitted to the Office of Academic Affirmative Action and approved by the appropriate authority prior to advertising the open position.

- b. Advertisement

The following rules apply to the advertisement of every academic position opening:

- (1) Hiring units may place an advertisement only after having received a notification of approval from the Office of Academic Affirmative Action.
- (2) The clause "Affirmative Action/Equal Opportunity Employer" must be included in every advertisement of an academic position, either in consolidated form, e.g., AA/EOE, or in its entirety.

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- (3) Each academic position must be advertised in at least one national journal or professional publication whose readership, in the judgment of the organizational unit in consultation with the Office of Academic Affirmative Action, includes persons qualified for the position. A reasonable period of time must elapse (e.g., three weeks) from the date of the appearance of an advertisement to the date of closing to permit all interested persons adequate time to apply by the deadline. If underutilization exists in the organizational unit, additional efforts to seek qualified women and minority candidates are indicated.
- (4) A copy of the published advertisement (including publisher and date of publication) must be retained in the organizational unit, and two copies must be attached to the *UCSD Academic Affirmative Action Compliance Report* (see *Exhibit B*) when it is submitted.
- (5) Because of the continuing change in the pool of available candidates for academic positions, if a position is not filled within one calendar year following the date of publication of the original advertisement, a new *UCSD Academic Affirmative Action Recruitment Plan Summary Form* must be completed and approved by the Office of Academic Affirmative Action and a new advertisement must be placed.
- (6) A minimum of six weeks must elapse between the publication of the advertisement and the submission of the appointment file to the Academic Personnel Office.

c. *UCSD Academic Affirmative Action Compliance Report* (see *Exhibit B*)

The *UCSD Academic Affirmative Action Compliance Report* is an official required summary of all actions taken to fill a position via the open recruitment process. The *Compliance Report* and accompanying documents, must be submitted to the Office of Academic Affirmative Action at the time the appointment file is presented to the Academic Personnel Office. The *Compliance Report* must be signed by the department Chair (or the Acting or Vice Chair in the Chair's absence). This signature represents his or her confirmation that a thorough search for the best qualified candidate for the position has been conducted and is being accurately reported.

Before an offer of appointment can be made, the administrative unit reviewing the appointment file for completeness, including affirmative action compliance, must be notified by the Office of Academic Affirmative Action that the *Compliance Report* has been approved.

d. Record-Keeping and Submission of Forms

The organizational unit must maintain complete and accurate records of actions about each position. These records, including applicant files (per PPM 480-20, Section V-8, August 1989), must be retained in the unit for a period of three to five years and are subject to audit by the Director-OAAA at any time.

- (1) The following information must be recorded for each appointment requiring an open recruitment:
 - (a) Applicant pool: all persons who applied, identified by sex and ethnicity where available (see *Supplement I*). Record the recruitment source of each applicant.
 - (b) Recruitment sources: record all colleges, universities, organizations and individuals contacted and results of each contact. Retain advertisements, keeping photocopies of each on file.
- (2) For all appointments requiring an open recruitment, the following materials must be submitted to the Office of Academic Affirmative Action.
 - (a) *UCSD Academic Affirmative Action Recruitment Plan Summary Form*:

The department will retain the bottom copy of the preprinted form and will forward the original and remaining copies to the Office of Academic Affirmative Action. An appropriate number of copies of the proposed text of the advertisement, per the instructions at the bottom of the *Recruitment Plan Summary Form*, must be attached to provide for the full distribution of the approved form and ad text. One approved copy of the *Recruitment Plan Summary Form* and proposed text will be returned to the department for retention.
 - (b) *UCSD Academic Affirmative Action Compliance Report*:

The department will retain the bottom copies of the 2-page preprinted form and will forward the original and remaining copies to the Office of Academic Affirmative Action. One approved copy of the *Compliance Report* will be returned to the department for retention. The department will submit with each *Compliance Report*:

 - i. Two copies of all published advertisements

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- ii. Two copies of all other supporting documentation such as copies of correspondence with minority and women's groups, individuals, institutions, announcements, etc.
- (3) For a single search that results in more than one candidate being proposed due to multiple openings, declinations of previously proposed candidates, etc., the department must submit a *Compliance Report*, as detailed above, plus two copies of the *Recruitment Plan Summary Form* and proposed advertisement text for each candidate that is proposed.

B. Compliance Procedures for the Director-Office of Academic Affirmative Action

To determine compliance with academic affirmative action obligations:

1. Every proposed academic appointment will be reviewed to determine whether it is a new appointment [as described in VI.A.1.a.(1)] and, if so, whether appropriate search procedures have been followed.
2. All relevant recruitment forms will be reviewed to determine compliance with the Academic Personnel Affirmative Action Program. No action may be taken on an appointment until it has been determined that the unit has complied.
3. Internal audits of organizational units may be conducted by the Director-OAAA as necessary.
4. Current statistics as required by the Affirmative Action Policy of the University of California, San Diego, will be maintained by the Director-OAAA.

CATEGORIES DEFINED BY AFFIRMATIVE ACTION

Codes are noted in parentheses.

- BLACK/AFRICAN-AMERICAN (A) . Persons (not of Hispanic origin) having origins in any of the Black racial groups of Africa.
- HISPANIC (E)
(Including Black individuals whose origins are Hispanic)
- Mexican/Mexican-American/Chicano . Persons of Mexican culture or origin, regardless of race.
Latin-American/Latino . Persons of Latin American (e.g., Central American, South American, Cuban, Puerto Rican) culture or origin, regardless of race.
- Other Spanish/Spanish-American . Persons of Spanish culture or origin, not included in any of the Hispanic categories listed above.
- ASIAN OR PACIFIC ISLANDER (B)
- Chinese/Chinese American . Persons having origins in any of the original peoples of China.
Japanese/Japanese-American . Persons having origins in any of the original peoples of Japan.
Filipino/Philippino . Persons having origins in any of the original peoples of the Philippine Islands.
- Pakistani/East Indian . Persons having origins in any of the original peoples of the Indian sub-continent (e.g., India and Pakistan).
- Other Asian . Persons having origins in any of the original peoples of the Far East (including Korea) Southeast Asia, or Pacific Islands (including Samoa), not included in any of the Asian categories listed above.
- AMERICAN INDIAN OR ALASKAN NATIVE (C) . Persons having origins in any of the original American Indian peoples of North America, including Eskimos and Aleuts, or who maintain cultural identification through tribal affiliation or community recognition.
- WHITE (F) . Persons (not of Hispanic origin) having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- VIETNAM ERA VETERAN (Y) . A veteran, any part of whose active military, naval, or air service was during the period August 5, 1964 through December 31, 1991, who:
1. Served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or
 2. Was discharged or released from active duty because of a service-connected disability.
- SPECIAL DISABLED VETERAN (S) . 1. A veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Veteran's

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Administration for a disability which is:

- a. Rated at 30 percent or more, or
 - b. Rated at 10 or 20 percent, in the case of a veteran who has been determined under Section 1506 of Title 38, U.S.C., to have a serious employment handicap, or
2. A person who was discharged or released from active duty because of a service-connected disability.

PERSON WITH A DISABILITY (H) . Any person who: Has a physical or mental impairment which substantially limits one or more of such person's major life activities,

1. Has a record of such impairment, or
2. Is regarded as having such an impairment.