1989


University of Maine

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UNIVERSITY OF MAINE

AFFIRMATIVE ACTION PLAN

1989-1990

Appendixes are available in the Office of Equal Opportunity.
POLICY STATEMENT

The policy of the University of Maine System is to provide equal opportunity in its role as an employer and educational institution. The University of Maine will comply with applicable laws prohibiting discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or veterans status in any area of the University. This policy includes, but is not limited to, the requirements of Executive Orders 11246 and 11375, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and Section 402 of the Vietnam Veterans Readjustment Assistance Act of 1974. The University of Maine also regards freedom from sexual harassment as an individual employee and student right which will be safeguarded as a matter of policy.

Affirmative action is good management. Through its commitment to equal employment opportunity and affirmative action, the University will benefit by developing and utilizing all available human resources. All employment practices of the University of Maine, including recruiting, hiring, training, promoting, and retaining persons in all jobs, will comply with this policy. Affirmative action will be taken to recruit qualified women, minorities, persons with disabilities, and veterans for all job openings. Personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, University-sponsored training, educational programs, leaves, tuition assistance, and social and recreational programs will be administered without regard to race, color, religion, sex, sexual orientation, marital status, pregnancy, national origin, age, physical or mental disability, or veterans status. Applicants and employees who are members of protected groups will be invited to identify themselves so that the University of Maine can monitor all personnel actions to ensure that it is able to meet its EEO/AA responsibilities. The achievement of applicable University EEO goals is the personal responsibility of each administrator and supervisor.

In order to ensure equal employment opportunity, the Director of Equal Opportunity, who is responsible to the President, has been assigned the responsibility of developing, implementing, coordinating, and monitoring the University of Maine Affirmative Action Program. The Director of Equal Opportunity is responsible for monitoring compliance with equal opportunity and affirmative action laws and regulations, and for keeping me informed of personnel actions and progress in this area. All employees have access to an informal process and to formal grievance procedures for review of personnel actions which they believe to be discriminatory. Employees are encouraged to contact the Director of Equal Opportunity for information about these procedures. Copies of the procedures are also available at Fogler Library. The Director of Equal Opportunity is Suzanne E. Estler, who is located at Alumni Hall and can also be contacted by telephone at 581-1226.

This Affirmative Action Plan outlines goals and methods of their attainment for the University of Maine. The text of this Plan and information about applicable EEO goals will be distributed to all supervisors. Representatives of the bargaining agents will also receive the text of the Plan. This policy statement will be distributed to all employees. The availability of the Plan will be announced internally and externally. A copy of the Plan has been placed in Fogler Library. The Plan will also be provided to employees and other interested persons upon request. Requests should be directed to the
As President of the University of Maine, I firmly support this policy. It is my responsibility to ensure that equal opportunity and affirmative action are realities. This Plan will assist the University in meeting its responsibilities.

Dale W. Lick
President
October, 1989
STATEMENT OF PURPOSE

The University of Maine's Affirmative Action Program is a positive plan designed to provide equal employment opportunity and an atmosphere of nondiscrimination with respect to women, disabled veterans, and veterans of the Vietnam Era. Handicapped workers and minority persons are defined in Executive Order 11246 as including:

1. Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

2. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race);

3. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

4. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North American and maintaining identifiable tribal affiliations).

The Plan is designed to increase materially the utilization of minority group persons and women at all levels and in all segments of the University's work force, and the work force of those with whom it contracts. Separate documents define specific methods by which the University will comply with Section 503 of the Rehabilitation Act of 1973 and Section 402 of the Vietnam Era Veterans Readjustment Act of 1974.

All complaints at the University of Maine about discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or veterans status will receive prompt, fair, and impartial consideration. This University through its Director of Equal Opportunity will take affirmative action to ensure that applicants who are members of an affected class receive fair consideration for employment and that employees are treated fairly during employment. Affirmative action will apply, but will not be limited to recruitment, employment, promotion, tenure, rates of pay, other forms of compensation, fringe benefits, selection for training, including apprenticeship and graduate fellowships. Notices of nondiscrimination will be posted in conspicuous places to be viewed by all employees and students.

Appointments will be monitored by the Director of Equal Opportunity to ensure that we are constantly and significantly moving toward the goals of increased employment for women and minority persons. From time to time, in order to assure this constant and significant process, the University may put a limit on the filling of some positions until minority persons and women are added to the work force.

The University will state in all solicitation or advertisements placed by or on behalf of the University that the University of Maine is an Equal Opportunity Affirmative Action Employer.
RECRUITMENT

In seeking to fill openings, every effort will be made to recruit in such a way that women and individuals from minority groups will have an equal opportunity to be considered and appointed.

In accord with OFCCP guidelines, University of Maine has (a) analyzed the utilization of women and minority professionals and (b) developed measurable results-oriented goals and timetables for hiring and/or promoting minority group members and females. The timetables have been established to correct the deficiencies or, in some more difficult instances, take significant steps toward correction of the deficiencies. (See Utilization Analyses and Goals and Timetables sections within this document.)

University positions shall be advertised with equal employment opportunity/affirmative action notices included. The University hiring agents shall use professional registers and other appropriate talent banks to locate available women and minority group employees. Assignment to rank shall be without discrimination. Employment qualification requirements shall not be inflated in the position description or in the selection process.

The goal of the University shall be to hire women and minority group members in each department and division in the proportion in which they are available with the requisite skills on the labor market area within which recruitment for such positions is ordinarily conducted. Generally, this proportion shall reflect the proportion of women and minority group members currently receiving the training or degree customarily considered the qualifications for such employment.

Systematic Efforts to Recruit and Retain Minority and Female Professional Personnel:

The department seeking personnel has the primary responsibility for advertising position vacancies in accordance with Equal Opportunity guidelines. But the Office of Equal Opportunity supplements departmental efforts by notifying appropriate women and minority professional caucuses, organizations for veterans and handicapped, and other affirmative action directors to help ensure that qualified female, minority, handicapped and veteran workers will be notified of and actively recruited and professional, faculty and administrative opportunities at the University of Maine. The classified Personnel Office of the Office of Human Resources assists with affirmative action recruiting and referral for classified positions by sending job notices to affirmative action contacts in the geographical area where we ordinarily recruit for nonprofessional jobs. (The respective affirmative action recruiting and contact lists are available from Suzanne Estler, Director, Office of Equal Opportunity, 318 Alumni Hall, and from Dale MacDonald, Director of Human Resources, 21 Coburn Hall, University of Maine, Orono, ME 04469.)

Systematic E.E.O. Monitoring of Advertising and Hiring Procedures:

1. All job descriptions for professional and faculty positions must be written in accordance with E.E.O. guidelines and approved by the Director of Equal Opportunity before the department begins to advertise and recruit.
2. Position descriptions shall include the statement: The University of Maine is an Equal Opportunity/Affirmative Action Employer.

3. The Equal Opportunity Office advises and assists in the advertising process.

4. The Director of Equal Opportunity reviews all requests for appointment to professional positions. If review of the Professional and Faculty Recruitment Form and Comparative Applicant Rating Sheet indicates that the Department has observed EEO/AA guidelines for advertising, screening, and selecting, the Director of Equal Opportunity signifies approval by initiating the official request for appointment. If any E.E.O. data are missing or suggest failure to observe the guidelines, the appointment is not approved until the guidelines are observed and documentation of observance is provided.

5. The Director of Equal Opportunity has access to personnel records. Questions and complaints are investigated promptly, and procedures are reviewed periodically by the Equal Opportunity Director, Suzanne Estler.

6. All department chairpersons, directors, and other hiring agents shall keep full records of the searches made for candidates, inquiries and applications received, interviews held and dossiers examined, as well as of the action taken on them, as evidence of an earnest attempt to recruit. These records shall be kept at least two years and shall be available to agent(s) authorized to implement Equal Opportunity/Affirmative Action.

See Appendices for (1) Guidelines for Those Recruiting Faculty and Other Professional Employees; (2) Recruiting for Temporary Positions; (3) Comparative Applicant Rating Sheet; and (4) Professional and Faculty Recruitment Form.

PROMOTION AND TENURE

Promotion and tenure shall be made on clearly stated criteria which apply equally to men and women and to minority and majority group members. Indications that women or minority group members stay at one rank longer than men and majority group members with equivalent qualifications shall be considered a strong indication of discrimination.

Women and minority group members shall be considered on an equal basis with men and majority group candidates for posts in department, college, and University administration. The Director of Equal Opportunity monitors promotion/tenure applications, recommendations and actions every fall and winter, during the period when such recommendations and actions occur. Questions regarding inequities are investigated promptly, and when necessary, remedial action is taken by University officials.

PROMOTION AND TRANSFER OF NON-INSTITUTIONAL STAFF

Equal Opportunity guidelines to help ensure equity in the promotion and transfer of staff to professional positions have been developed and are being implemented. (See Appendix for EEO Guidelines for Promoting and/or Transferring Non-Teaching Professionals.)
Annually the Equal Opportunity Director reviews classified staff arrays and promotions to help ensure the equitable advancement of classified employees. When problems are identified, remedial action is taken.

Complaints and inquiries regarding promotion procedures or actions are and shall continue to be investigated promptly by the Director of Equal Opportunity, and remedial action shall be taken when necessary.

SKILLS AND PERFORMANCE TESTS

Testing procedures and practices shall be in conformity with the memorandum of the Secretary of Labor issued on September 9, 1968, entitled "Validation of Employment Tests by Contractors and Subcontractors."

COMPENSATION

The University of Maine complies with requirements for equal pay for essentially similar work, experience, and qualifications. Annually the Director of Equal Opportunity conducts a review of salaries and wages in all professional, faculty, administrative, and classified classifications to monitor pay equity. When a need for equity adjustments is identified, the appropriate University officials and collective bargaining agent are notified.

FRINGE BENEFITS AND UNIVERSITY SERVICES

Fringe benefits and University services shall be made available to University employees on an equitable basis regardless of sex or marital status.

The University insurance programs shall cover women's needs as well as those of men. They shall render the same survivor benefits and other benefits to spouses, regardless of the sex of the spouse.

It is the policy of the University of Maine that no employee will be required to leave her job for any period of time on account of her pregnancy. Moreover, collective bargaining agreements and personnel policies include explicit provisions to facilitate the taking of disability leave for child-bearing and/or pregnancy and also the return to the same or to an equivalent positions. University personnel policies and the various collective bargaining contracts allow also for the parent of either sex to request leave for purpose of child-rearing. (See applicable sections of collective bargaining contracts.)

UNIVERSITY GOVERNANCE

Women and minority group members shall be given equal opportunity to participate in University decision-making on the same basis as all others, especially on those committees which recommend grants, hiring promotion, and other non-elected offices proportionate to their numbers. They should also be proportionately represented on nomination slates.

Officials at the University of Maine recognize that currently there is a dearth of women and minorities in positions of authority and policy-making. They are taking steps which demonstrate their commitment to the objective
analysis of problem areas and to the correction of existing underutilization. (See also the section in this document which identifies problem areas and remedial action.)

OTHER PRACTICES AND PROCEDURES

Teaching loads, departmental and other special chores, access to grants, employee education programs, and Continuing Education Division and summer school teaching shall be apportioned equitably and without discrimination.

TRAINING

All employees shall be given an equal opportunity to qualify for and participate in apprenticeship or other training programs carried on by the University.

PERFORMANCE EVALUATION

Employees shall be informed of the criteria against which performance is evaluated. Such criteria shall be nondiscriminatory.

DISCIPLINARY ACTIONS

Employees shall be informed of policies and procedures governing disciplinary actions. Such actions shall be fairly administered with care given to provide for equal penalties for like offenses.

POLICY REGARDING EMPLOYMENT OF CLOSE RELATIVES

It is the policy of the University of Maine to seek for its professional and classified employees the best qualified persons regardless of their relation to other University employees. In accordance with this policy, close relatives may be employed in the same or different departments of the University.

That an employee is a close relative of another employee in the same or different department shall not be used as a basis for denying to the employee the rights, privileges or benefits of regular appointment or regular job status.

No University employee shall function as judge or advocate in institutional decisions involving a direct benefit to a close relative. Such decisions include, but shall not be limited to, initial appointment, retention, promotion, tenure, salary and leave of absence. An administrator who supervises a spouse or close relative should refer all personnel actions regarding the close relative or spouse to his or her own supervisor, the next highest administrator, for action.

GRADUATE STUDY

Women and minority group members shall be admitted to all graduate programs on the same basis as men and majority group members are. They shall have equal access not only to University fellowships, scholarships, and assistantships but to research grant programs and the like under way in their
respective schools and departments.

Whenever disparate selection rates of women and minority persons into any level or program of study appear, validation studies shall be undertaken regarding the adequacy of the admissions' selection systems and criteria. Unless the selection is shown to be valid, corrective action shall be described in terms of specific goals and timetables.

TEMPORARY APPOINTMENTS

Temporary appointments shall be made with a clearly defined length of appointment. (See Appendix for the Equal Opportunity guidelines for Recruiting for Temporary Positions.)

STATEMENT OF RESPONSIBILITY

Director of Equal Opportunity. The responsibility for monitoring affirmative action compliance and implementation has been delegated by the President of the University of Maine to the Director of Equal Opportunity. The responsibility for assuring the continuing success of affirmative action rests primarily with administrators, administrative and faculty search committee, and others who are involved in screening and selection of candidates for employment and/or promotion. But the President of the University has primary responsibility for ensuring that affirmative action and equal opportunity policies, procedures and commitments are implemented.

The Director of Equal Opportunity shall be appointed by the President and shall be directly responsible to the President.

The Director of Equal Opportunity will:

1. Monitor and otherwise help to ensure compliance with the Equal Pay Act, the Vietnam Era Veterans Readjustment Act of 1974, Titles VI and VII of the Civil Rights Act, Title IX of the Education Acts, Executive Order 11246, as amended, the Maine Human Rights Act, and other equal opportunity or affirmative action statutes or executive orders.

2. Investigate faculty, professional, and classified employees' complaints or questions of possible discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or veterans status and resolve grievances, whenever possible, in an informal manner according to the facts of the case and in conformity with federal and state regulations forbidding discrimination.

3. Work cooperatively with persons responsible for the conduct of student and academic affairs in order to ensure compliance with laws and regulations which require equal opportunity and forbid discrimination against students on the basis of color, religion, sex, sexual orientation, national origin, age, disability, or veterans status.

4. Inform the aggrieved party of procedures for appealing regarding a grievance, should such help be requested.

5. Conduct periodic reviews of salaries, staffing patterns, committee
composition, fellowship/scholarship awards, selection criteria, practices, or policies which may have the impact of discrimination, and recommend to the President and other appropriate officials changes in policy or procedure or other remedial action, if needed.

6. Monitor and otherwise facilitate compliance with Section 504 of the Rehabilitation Act, which requires that courses and programs be accessible to qualified handicapped students and applicants and that handicapped employees and applicants be reasonably accommodated.

7. Submit reports, as necessary, to compliance agencies authorized to require reports or data.

8. Encourage, initiate, and develop educational and public service programs consistent with the principles of Equal Opportunity/Affirmative Action and with the educational/public service missions of our land grant University.

9. Report regularly to the President, recommending constructive actions to the President and other administrators, as appropriate.

EQUAL OPPORTUNITY GRIEVANCE PROCEDURE

All employees at the University of Maine have access to a process to ensure review and, when necessary, remediation of personnel actions, policies or procedures that could have discriminatory impact. This procedure is complementary to the grievance procedures provided for in the contracts negotiated by the University and the various collective bargaining agents. The Equal Opportunity Grievance Procedure is included in the Appendices of this document.

OTHER INSTITUTIONAL POLICIES

Obligations of the University and Its Subcontractors Under Department of Labor Rules and Regulations. The Vice Chancellor for Administration for the University of Maine will assume responsibility for the University's full compliance with Title 41—Chapter 61—1 and 2 of the Department of Labor's Rules and regulations promulgated by the Secretary of Labor on May 27, 1968 and January 30, 1970.

The Vice Chancellor will be responsible for ensuring that the Equal Opportunity clause is incorporated in all contracts entered into by the University of Maine which are covered under Title 41—Chapter 60.

SUPPORTIVE PROGRAMS

The University recognizes its special obligation to develop supportive programs and services which will enhance the opportunities for participation in all phases of University life for minority groups and women.

To this end, the University has made a determined effort to support such programs as the University of Maine Children's Center (a child care center which services children of University of Maine employees and students), the Women's Center, Onward, and Women in the Curriculum. The Office of equal
opportunity continues to encourage and assist other University offices and officials to identify and support programs and procedures which will contribute directly or indirectly to equal opportunity and affirmative action for minority, female, and handicapped employees.

**DISSEMINATION OF THE EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY**

The President's reaffirmation of commitment to affirmative action included at the beginning of this document will be disseminated both within and outside the University to individuals and to organizations that address the needs of women, one or more protected minority groups, the handicapped, Vietnam veterans or disabled veterans.

Employees within the University will be notified that this Affirmative Action Plan exists and that a copy will be made available to them upon request. Moreover, this Plan will be placed in the University of Maine libraries on both the Orono and Bangor campuses and, through the Bulletin Board, employees will be notified of its availability to them.

This Affirmative Action Plan will be disseminated to and discussed with University administrators and with collective bargaining agents.

The Utilization Analyses and Goals and Timetables will be discussed with administrators, supervisors, and other faculty and staff who are involved in search, screening, selection, and/or promotion processes that pertain to any Job Group which has been identified as "underutilizing" women and/or minorities.

**PROBLEM IDENTIFICATION**

I. Classified (Non-Professional) Positions

Underutilization of women has been identified in a number of classified job groups.

**Remedial Action:**

Where a pattern of "underutilization" exists, goals for hiring have been identified. (See "Utilization Analyses and goals and Timetables: Classified Employees" in this document.)

(1) Systematic plans for close communication among the Equal Opportunity Office, the Human Resources Office, and the departments which employ people in the specific job groups are being implemented to assure that recruitment and hiring actions in all of the job groups and areas identified will be monitored effectively;

(2) The Equal Opportunity Office will monitor applicant flow and hiring relating to those job groups;

(3) Affirmative Action recruiting procedures have been and will continue to be implemented;
(4) The Equal Opportunity Office will urge Vice Presidents and the Deans' Council to accept as policy inclusion of affirmative action commitment and progress as one of the criteria on which department chairs, directors, and other supervisors (professional and classified) will be evaluated.

I. Administrative, Professional, and Faculty Positions

Although significant changes reflective of affirmative action have occurred at University of Maine since implementation of the first Affirmative Action Plan, underutilization of women persists in a number of the professional job groups, and underutilization of minorities persists in 27 of 70 professional job groups.

Remedial Action:

Where a pattern of "underutilization" exists, goals for hiring have been identified. (See "Utilization Analyses and goals and timetables: Classified Employees.")

(1) Systematic plans for close communication among the Equal Opportunity Office, the Human Resources Office, and the departments which employ people in the specific job groups are being implemented to assure that recruitment and hiring actions in all of the job groups and areas identified will be monitored effectively;

(2) The Equal Opportunity Office will monitor applicant flow and hiring relating to those job groups;

(3) Affirmative action recruiting procedures have been and will continue to be implemented;

(4) The Equal Opportunity Office will urge Vice Presidents and the Deans' Council to accept as policy inclusion of affirmative action commitment and progress as one of the criteria on which department, chairs, directors, and other supervisors will be evaluated;

(5) Appropriate steps will be taken to urge development and acceptance of a policy to allow joint appointments to a single tenure track position, so long as reasonable safeguards are present. The availability of such a policy would facilitate hiring of qualified women in some departments where there is underutilization of women.

III. Tenure and Promotion

Although measurable and very significant increases in the numbers of percentages of women in tenured ranks have occurred since the Office for Civil Rights accepted our first Affirmative Action Plan in 1974, there are still a number of academic departments which have no women faculty in the tenured Associate Professor or Professor ranks.

Remedial Action:

(1) A list of departments with no women in those ranks will be circulated every fall to promotion/tenure review committees at the
departmental college, and executive levels with a reminder that affirmative action efforts should be made to hire, assist, support, and retain junior faculty women;

(2) The Equal Opportunity Director will monitor to ensure that affirmative action, as well as equal opportunity, principles are applied to promotion/tenure decision-making at all levels.

IV. Executive/Administrative Positions

Underutilization of women has been identified as persisting in the following Job Groups:

A. Vice Presidents and Associate and Assistant Vice Presidents;
B. Academic Deans (of the 8 colleges).

Remedial Action:

Affirmative action efforts are being intensified to address this problem. Moreover, specific affirmative action commitments from the President and the Executive Vice President have been requested and obtained. The goals and timetables for these job groups reflect these commitments.

To assist women at the University of Maine to develop their administrative skills and thus prepare for advancement into mid-level and senior administrative positions, the University also encourages and supports women who wish to engage in administrative internship programs such as the prestigious ACE Academic Internship Program (two University of Maine women have been supported); the Higher Education Resource Services administrative workshops; and the Harvard Institute for Educational Management.

V. Budgetary Problems and Retrenchment

1. Retrenchment is responsible for the low numbers of anticipated vacancies. Resignations and retirements are not necessarily resulting in vacancies; positions that will be thus vacated will not necessarily be filled. The low number of anticipated vacancies is making it difficult to move quickly toward fulfillment of the long range goal of employing members of affected classes in all job groups in percentages comparable to their availability with the requisite skills.

2. Because faculty and administrative salaries at the University of Maine are very low, compared to salaries in industry and in comparable academic institutions in other states, both recruitment and retention of women and minorities in highly competitive areas is difficult.

3. Department chairpersons are ordinarily recruited from within the University; such positions tend to be rotated. In those departments and colleges in which the numbers of women and/or minorities on the faculty are low, we have little opportunity to bring women and minorities into entry level academic administrative positions.
Remedial Action:

One of the colleges has developed a rotating assistant deanship. That position has been held by two women and one minority male during the five years in which the position has existed. Those three people have thus had their administrative potential and skills identified and developed. Additional programs are being considered and will be developed to promote the professional advancement of women and minorities within the University of Maine, as well as the recruitment and hiring of women and minorities.

GUIDELINES ON RELIGION AND NATIONAL ORIGIN

The University of Maine shall not discriminate against employees or candidates on the basis of religion or national origin. University of Maine shall review annually its employment practices to ensure that various religious and ethnic groups are receiving fair consideration for job opportunities. Special attention shall be directed to executive and middle-management levels.

The religious observances and practices of employees and prospective employees will be accommodated.

SEX DISCRIMINATION GUIDELINES (Summary)

1. Recruitment and Advertising
   Advertising does not and will not express sex preference. (See also pages 2-3 of this Affirmative Action Plan.)

2. Job Policies and Practices
   University personnel policies state that there shall be no discrimination against employees on account of sex. (See also p. 4, which notes that (1) no employee will be required to leave her job on account of pregnancy and (2) collective bargaining contracts and personnel policies permit leave for child-bearing and permit the parent of either sex to take child-rearing leave.)

3. Seniority System
   Where they exist, seniority lines and lists are developed without reference to sex.

4. Wages
   The University of Maine's wage and salary schedules are not related to or based on the sex of the employees.

5. Affirmative Action
   The University of Maine will take affirmative action to recruit women for those jobs where they have been previously underutilized.