

3359-38-01 Affirmative action policy and program.

(A) Statement of policy.

- (1) The university of Akron is an equal education and employment institution operating under nondiscrimination provisions of Title 41, Ohio Revised

- (B) Laws and regulations governing equal employment opportunity.
- (1) The Equal Pay Act of 1963 requires every employer to pay employees equal pay for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. It is currently administered by the “Equal Employment Opportunity Commission” (EEOC).
 - (2) Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in all programs or activities which receive federal financial aid. Employment discrimination is prohibited if a primary purpose of federal assistance is provision of employment (apprenticeship, training, work study or similar programs) or if program beneficiaries suffer unequal treatment because of hiring or assignment of counselors, trainers, faculty or others in organizations receiving federal funds. Title VI is administered by the office of civil rights, United States department of education.
 - (3) The Civil Rights Act of 1964, Title VII makes it an unlawful employment practice for employers, employment agencies and labor organizations to discriminate in the various aspect of employment on the basis of race, color, religion, sex or national origin. Title VII is administered by the EEOC.
 - (4) The Rehabilitation Act of 1973 (sections 503 and 504) prohibits job discrimination on the basis of a physical or mental handicap, provided the applicant is otherwise qualified for the position. Also, employers are required to actively recruit qualified handicapped persons as part of an established affirmative action program. The act is administered by the United States department of labor.
 - (5) Section 402 of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 prohibits discrimination against any person because he or she is a disabled veteran of the Vietnam era. Employers are required to take affirmative action to enhance veteran’s employment opportunities.
 - (6) Executive Order 11246 (revised order #4) seeks to promote and insure equal opportunity for all persons without regard to race, color, religion, sex or national origin of employees or persons seeking employment with government contractors. The order is administered by the “Office of Federal Contract Compliance Program” (OFCCP), United States department of labor. It is this order that mandates that affirmative action

- (b) In order to provide upward mobility for minorities, women, persons with disabilities, and veterans, the university of Akron periodically reviews its workforce to determine whether such employees are given equal opportunity for promotion.
- (c) To assure optimum communication, interpretation, and implementation of the university's EEO program at all levels of supervision and to all employees, recruiting sources, community agencies, contractors providing goods and services, and the general public, the following steps are undertaken.
 - (i) Definition of the existence of the university of Akron's written affirmative action program is made available to all employees, and they will be periodically reminded of this program by:
 - (a) Distribution of the document entitled "Affirmative Action at The University of Akron" to new employees and thereafter through annual reminders to all faculty and staff personnel.
 - (b) Description of the equal employment opportunity policy by publication or references in issues or reissues of faculty and staff manuals which will be reviewed periodically.
 - (c) Periodic publication of the university's equal employment opportunity policy, related programs, and activities by articles or news releases in local newspapers as well as in university publications; and
 - (d) Discussions and explanationhis mtalscript Dessy

when qualified applicants cannot be found will private agencies charging a client fee be contacted.

report shall be made available to the university's board of trustees, president, faculty, support staff, student body, and other parties who may have an interest or who should be advised of its content. This report shall contain such information as comparative numbers of females and minorities as well as comparative wages, salaries, and compensation. The annual report of the affirmative action/equal employment opportunity director shall be available within forty-five days of the beginning of the academic year.

- (c) The affirmative action/equal employment opportunity office shall have the authority to distribute The university of Akron's official policy of equal employment opportunity in accordance with the office of federal contract guideline 60.2.21.

- (vi) The university of Akron shall maintain an affirmative action commission, which shall serve as a continuing review panel on the status of protected class members of the university.
 - (a) The affirmative action commission shall be appointed by the president annually and shall include adequate representation of teaching personnel, administrative personnel, civil service personnel, and students at the graduate, professional, and undergraduate. The president shall insure that minorities, disabled persons, women, and part-time personnel are represented on the commission. The activities of this commission shall be supported by the affirmative action/equal employment opportunity director and staff. The activities of this commission include, but are not limited to:
 - (i) Annual review of the affirmative action plan and publication of the results of such review.
 - (ii) Hearing and investigating grievances, complaints, and allegations of violations of the plan and recommending remedies thereto.

- (iii) Making recommendations to university persons with personnel authority through the affirmative action/equal employment opportunity director regarding individual relief, implementation, enforcement, and improvement of the plan.

- (vii) The university of Akron shall not subscribe to, require, or encourage its faculty or non-teaching members to subscribe to any insurance plan which:
 - (a) Does not insure equal benefits to women faculty and staff members or their spouses or survivors; or
 - (b) Take a position on pregnancy, maternity, or abortion coverage contrary to the office of federal contract compliance guideline 60.20.3c (copy is available in the affirmative action/equal employment opportunity office) or Title VII of the

- (i) Base employment decisions solely upon the individual's qualifications and/or performance in the event of employment. If employment testing is used as a criterion for selection, appropriate guidelines will be followed to assure validity, objectivity, reliability, and compliance with law.
- (ii) Insure that every full-time vacancy is communicated to the affirmative action/equal employment opportunity office prior to the announcement and publication of the job opening.
- (iii) Record employees by job classifications with identification of minorities, disabled persons and females.
- (iv) Record the turnaway rate for all applicants, and meet with interviewers and supervisors to determine turnaway causes to develop remedies for affirmative action deficiencies.
- (v) Insure personnel services and benefits for eligible employees are provided on a nondiscriminatory basis. These services and benefits include, but are not limited to: compensation, fringe benefits, transfers, university-sponsored training, education, tuition assistance, and all other similar services and benefits administered by the university.
- (vi) Determine that appointments, retention, promotion, tenure, and termination are based solely on the individual's qualifications and performance and on a nondiscriminatory basis.
- (vii) Project collegiate equal employment opportunity goals with target dates and develop collegiate affirmative action programs.
- (viii) Establish nondiscriminatory criteria for the large number of men and women who are employed on the faculty and staff at the university of Akron on a part-time basis.
- (ix) Allow sufficient time off for childbearing to women at the university of Akron whether faculty, staff, student, or administrator and regardless of marital status. Mandatory leave should not be stipulated by the university; and the length of leave should be based on a bona fide medical need related to pregnancy or childbirth.

- (x) All employees shall be eligible for parental leave and shall be allowed to return to their original position or position of like status and compensation. Parental leave is without compensation.
 - (xi) Base all appointments and promotions at the university of Akron upon consideration of qualifications and merit. Policies or practices which prohibit or limit simultaneous employment of two or more members of the same family and which have an adverse impact upon one sex or the other are not consistent with Executive Order 11246. Relationships by marriage or family will neither be an advantage nor deterrent in the process of evaluation and selection for appointment and promotion.
 - (a) Faculty and staff members in a supervisory capacity should neither formally initiate, participate in the process nor render the final decision on personnel matters involving members of their immediate families. Definition of “immediate family” is as follows: spouse, child, father, mother, sister, brother, grandparents, grandchild, brother-in-law, sister-in-law, mother-in-law, father-in-law, legal guardian or other person who may legally stand in place of a parent.
- (3) Student body.
- (a) Undergraduate and graduate admission policies shall be administered consistent with the objectives of the university of Akron’s affirmative action plan and the Educational Amendments Act of 1972. If the proportion of minorities, women and disabled persons admitted to the university of Akron falls below a desirable ratio range, the university will actively recruit to correct this deficiency.
 - (b) All scholarships, fellowships and other allowances for students as well as any other funds administered directly by the university of Akron personnel or other facilities shall be administered in a manner nondiscriminating to minority groups, women, disabled persons and shall be consistent with the objectives of the affirmative action plan. Married women shall be eligible for financial support on the same basis as married men. Pregnancy shall not be considered an impediment to women’s qualification for financial assistance (however, financial assistance would not

continue during the period of maternity leave). The university of Akron shall review its scholarship, fellowship, award, loan and grant programs for full- and part-time students to insure consistency with the spirit, aims and specific goals of its affirmative action plan.

Certification: _____
Assistant Secretary
Board of Trustees

Prom. Under: 111.15

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