

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 Code;

(7) To the extent consistent with state and federal laws and regulations, nothing herein shall be construed to modify or impair the operation of the retirement policy and rules for the implementation thereof as established by the board of trustees of the university of Akron from time to time.

(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 ma93VII Act of 19eu167 (m9) -39.75dI Ac (of)] TJ sAc

gender identity, 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 programs be described in written plans with specific goals and timetables for recruiting, hiring and upgrading blacks, other minorities and women.

- (7) Title IX of the Education Amendments of 1972 prohibits sex discrimination in the programs and activities of any educational institution that receives federal assistance. Title IX is administered by the office of civil rights, United States department of education. The university of Akron does not discriminate on the basis of sex in any of its education programs and activities and is required by

disabled. The act prohibits covered entities from excluding people from jobs, services, activities, or benefits based on disability and provides penalties for discrimination.

- (12) The Uniformed Services Employment and Reemployment Rights Act (USERRA), subject to eligibility criteria, has the purpose of ensuring that members of the uniformed services are entitled to return to their civilian employment upon completion of their service.
- (13) Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment.

(C) Affirmative action program.

(1) Dissemination and implementation.

- (a) Information about the affirmative action program will be provided at each orientation meeting for new academic and new nonacademic personnel being employed for all levels of service.
- (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

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- (a) Annual review of the affirmative action plan and publication of the results of such review.
 - (b) Hearing and investigating grievances, complaints, and allegations of violations of the plan and recommending remedies thereto.
 - (c) 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 1964 Civil Rights Act.
 - (viii) Minority, female, and disabled employees will be afforded full and complete opportunity and will be encouraged to participate in all university-sponsored educational, training, recreational, and social activities and will have equal access to university facilities. Also, building construction and renovation must include reasonable accommodations for handicapped persons. The university shall not knowingly rent to or allow use of university facilities, patronize or use the facilities of any off-campus organization that has an invidiously discriminatory pattern or practice involving either membership or employment. Discriminatory patterns include, but are not limited to, those organizations whose membership or employment is closed to women and/or members of minority groups.
- (2) Recruitment, training, promotion, and retention.

With these affirmative action commitments, it is necessary to review the total utilization of minority, female, veterans, and disabled group employees and

to develop specific steps to accomplish necessary training where there are deficiencies. In all personnel practices of this university, every person with personnel authority and responsibility must:

- (a) 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.
- (b) 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.
- (c) Record employees by job classifications with identification of minorities,

- (j) 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.
- (k) 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.

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.

- (c) Teaching and/or research fellowships and assistantships available to graduate students as teaching employees of the university of Akron shall be administered in accordance with the university's affirmative action program.
- (d) Counseling services shall be staffed by men and women who have the expertise to deal with the special needs of minority groups.

(4) Goals and timetables.

- (a) To reaffirm its commitment to the spirit and intent of affirmative action, the university of Akron annually updates its goals and timetables for faculty and staff.
- (b) With regard to academic personnel, the goal shall be to increase and maintain the number of minority persons and women on the faculty and administration in a proportion reasonably equal to the number of doctorates and other appropriate qualifications in the field. Here the goal will be to reduce underutilization to a level where qualified minority, women, and disabled applicants are represented within the university in proportion reasonably equal to their availability in the general or specialized job market.
- (c) For purposes of this plan, underutilization is defined as having fewer minorities, disabled persons or persons of either sex in a given job classification than would reasonably be expected by their availability in the appropriate job market.
- (d) Those employing units having no minority persons, women, or disabled persons bear an especial obligation in this affirmative action plan. Where underutilization has been determined and a vacancy exists, a thorough documentation of an energetic and systematic search for women and minorities will be filed with the affirmative action/EEO office. Further, each unit will be reviewed to ensure fair and equitable treatment of handicapped and veteran employees and applicants for employment.

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Certification: _____
M. Celeste Cook
Secretary
Board of Trustees

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