

EVALUATION OF THE UNIVERSITY OF OREGON AFFIRMATIVE ACTION PROGRAM

The following evaluation compares the University of Oregon Affirmative Action Program with the required contents of such programs as described in Executive Order 11246, as amended, Revised Order No. 4 (41 CFR 60-2), and the HEW Higher Education Guidelines. The evaluation generally conforms to the format of Revised Order No. 4.

I. REQUIRED UTILIZATION ANALYSIS

A. Required Data and Comparisons

Section 60-2.11 of Revised Order No. 4 requires the contractor to conduct a detailed analysis of the utilization of women and minorities within the institution. Such an analysis should include:

1. Summary statistical data showing the distribution of minority¹ and female employees in each organizational unit (department) by job classification² in descending order, showing the numbers and the percentages by sex for each racial and ethnic group, as well as cumulative figures for minorities and for females generally.

2. Summary statistical data showing distribution of minority and female employees for the entire institution by job classification showing the numbers and the percentages by sex for each ethnic group, as well as cumulative figures for minorities and for females generally.

¹As it is used in this report "minority" means all Black, Asian American, Native American and Spanish-Surnamed American employees.

²The term "job classification" means one or a group of jobs having similar content, wage rates, skills requirements, and opportunities.

3. An accurate definition of each recruitment area (Central City, SMSA, State, Multi-State Region, Nation) which the university currently uses for each job classification.

4. Adequate data to establish the availability of minorities and females based on a consideration of each of the factors listed in 60-2.11 (a)(1) and (2).

5. Complete and statistically accurate availability data for minorities and females. The support data must be the most current and extensive available and specifically related to the skill requirements established for each job classification and to the recruitment area determined to be reasonable for the job classification.

6. A comparison of the percentage of minority and female availability for each job classification to the percentage of minorities and females presently within those job classifications in the university's workforce.

7. Based on the comparison described in Number 6 above, identification of the areas where a statistically significant disparity exists between the availability of minorities and females and the university's utilization of minorities and females, resulting in underutilization of either category.

B. Comments

1. The Office for Civil Rights acknowledges that data indicating the availability of minorities by academic discipline are difficult to obtain. The information provided by the university is acceptable at this time with the understanding that the statistics will be revised as more data become available.

C. Deficiencies

1. Summary statistical data provided by the university showing the distribution of minority and female employees in each academic organizational unit omit several college divisions and research institutes including, but not limited to the following: Art History; Asian Studies; General Science; Latin American Studies; Institutes of International Studies, Community Studies, Industrial and Labor Relations; and, the Department of Military Science and Aerospace Studies. Consequently, the requirements noted in Section 60-2.11 (see I; A; 1. above) appear unfulfilled.

2. Summary statistical data showing the distribution of minority and female employees for the entire institution (both academic and classified) by job classification indicate a total of some 3,679 employees. The Personnel Department at the University of Oregon reported through telephone contact that the university employs approximately 5,500 persons. Accordingly, an apparent discrepancy of some 1,800 employees exists between the affirmative action program and personnel records.

In addition, summary data totals from Tables C-9 through C-24 do not equal totals in Tables C-1 through C-7. While most discrepancies do not exceed a 5 to 10 person-count difference, the cumulative effect on the accuracy of the data is sufficient to merit concern.

3. Section 60-2.11(a)(1) and (2) (see I; A; 4. above) requires detailed population and employment data on females and minorities for use in calculating availability of such individuals. The university's program fails to meet the requirements in the following areas:

a. The university's program includes no data in any of the 8 required areas on Native Americans or Asian Americans in the classified personnel category;¹

b. The university's program does not include data or information on females or minorities which reveal:

(1) the availability of promotable or transferable female and minority employees within the academic or classified personnel categories;

(2) the degree of training which the university is able to undertake as a means of availing all classified jobs to females and minorities.

¹The HEW booklet, "Manual for Determining the: Labor Market Availability of Women and Minorities", page 48, indicates that this information is available on tape from the Census Bureau.

4. Our Office expresses concern in relation to the availability percentage figures employed in the utilization analyses of Tables III-3, III-3a, III-4a (Part III, pages 9, 10, and 12). These percentage figures represent groupings of WEAL report categories in broad academic areas such as humanities, social sciences, education, etc. The program contains no explanation of the methodology used to determine the percentage figures appropriate to the broad areas used in the analyses.

The lack of such explanation is of concern to our Office as the broad areas of the analyses necessarily include disciplines in which the availability of women varies greatly (larger percentages of women appear in English, Home Economics, Early Childhood Education and other disciplines than in Biology or Chemistry). With such significant variances and no explanation of methodology, a determination of the reliability of the analyses is difficult.

II. ESTABLISHMENT OF GOALS AND TIMETABLES

A. Requirements

A prerequisite to the development of an acceptable affirmative action program is the development of specific goals and timetables, where deficiencies have been identified, for the prompt achievement of full and equal employment opportunity. The university's goals should be set so as to overcome deficiencies in the utilization of minorities and women within a reasonable time. In many cases this may be accomplished in 5 years; in others more or less time will be required.

An acceptable affirmative action program must include:

1. Separate goals and timetables submitted for minorities and females by organizational unit and job classification designed to correct each instance of underutilization of minorities and females identified in the utilization analysis. The appropriate organizational unit for goals may be the school or division rather than department.
2. Evidence to show that the university has considered the anticipated expansion, contraction, and turnover of the work force for each job classification and each organizational unit.
3. Evidence to show that the personnel relations staff, department and division heads, and local and unit managers have been involved in the goal setting process.
4. Reasons provided for instances where underutilization has been identified but no goals established.
5. Statistical data to show the degree of attainment to date of minority and female goals contained in the university's present affirmative action program.
6. An explanation for each instance of non-achievement if the university is not attaining the goals contained in its affirmative action program.

7. Acceptable goals and timetables which are designed to correct underutilization in the shortest reasonable period of time and which appear to be attainable in terms of the university extending every good faith effort to effectuate its overall affirmative action program.

B. Comments

1. Our Office acknowledges that the University of Oregon received permission to establish goals and timetables by EEO-1, university-wide categories for classified personnel and by groupings of ranks (professorial, instructor, and "other academic") and units (social sciences, humanities, sciences, professional schools) which distinguish between regular/visiting and full-time/part-time positions of academic personnel.

The discrepancies in statistical data described in Section I, Required Utilization Analysis, will impact the accuracy of the establishment of goals and timetables. Consequently, the goals and timetables evaluation is incomplete pending correction of the aforementioned discrepancies.

C. Deficiencies

1. The university's program establishes goals and timetables by the agreed upon groupings of academic ranks. However, these goals are given only by the College of Liberal Arts and the professional schools, and should be altered to include the smaller units used in the utilization analysis (humanities, social sciences, sciences, and individual professional schools).

III. RE-AFFIRMATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

A. Requirements

Revised Order No. 4, Section 60-2.20, requires the contractor to mention these specific items in its policy statement:

1. Recruit, hire, train, and promote persons in all job classifications without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification.

2. Base decisions on employment so as to further the principle of equal employment opportunity.

3. Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

4. Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreational programs, will be administered without regard to race, color, religion, sex, or national origin.

B. Deficiency

The university fails to specifically identify the areas covered by their equal employment opportunity policy statement. The generalized statement of "nondiscrimination in all operations, areas, organizations of the university" is inadequate to meet the requirements cited above.

The university's policy statement must address these items in their entirety.

IV. DISSEMINATION OF THE POLICY

A. Requirements

Section 60-2.21(a) and (b) of the Order provides that the contractor should disseminate its policy internally and externally.

B. Comments

Internal communication of the university's policy in writing to all supervisory personnel is essential to their understanding, cooperation and compliance. All persons responsible for personnel decisions must know what the law requires, the university's policy, and how to interpret the policy and implement the program within the area of their responsibility. A clear, precise policy statement serves to enhance effective policy implementation.

Formal and informal external dissemination of the policy is necessary to inform and secure cooperation within the community, including civil rights' groups, professional associations, women's groups, and various sources of referral within the recruitment area of the university. An unclear policy statement would serve to inhibit this much needed cooperation.

Although it appears that the responsibility for policy dissemination has been properly delegated, it is unclear just what portion of the policy statement is being disseminated.

C. Deficiency

The university's plan does not include the actual or proposed correspondence used for dissemination purposes. The affirmative action program and support data must include documentable evidence of internal and external dissemination of the equal employment opportunity policy of the university.

V. RESPONSIBILITY FOR IMPLEMENTATION

A. Comments

The university's affirmative action program clearly describes how and to whom the authority and responsibility is assigned for implementation of the program. The statement assigning responsibilities does identify the officials of the university who are responsible for carrying out the various parts of the program, and how they propose to exercise their responsibility.

VI. IDENTIFICATION OF PROBLEM AREAS

A. Requirements.

The contractor is required by Section 60-2.23 of Revised Order No. 4 to conduct in-depth analyses of its employment policies and practices to assure that they are nondiscriminatory. This must include analyses of the following areas:

1. Applicant Flow - The contractor must compare the availability of women and minorities by job classification and organizational unit to the flow of minority and female applicants. Where a disparity between availability and applicant flow appears, the contractor must analyze the entire recruitment

process to identify the cause of the disparity and must provide a remedy for each problem identified.

2. Selection - The contractor must compare the number or percentage of female and minority applicants by job classification and organizational unit to the number or percentage of women and minorities selected for employment. Where disparities appear, the contractor must undertake an analysis of each step in the selection process to identify the source of the disparity. This shall include analyses of interviewing, testing (both formal and informal), position descriptions and worker specifications as well as the attitudes of personnel involved in the selection process. Specific remedies must be provided to correct each identified source of disparity.

3. Promotion - The promotion analysis must include several aspects:

a. A comparison of the average time in rank or classification for women and minorities to that of non-minority males.

b. A comparison of the proportion of women and minorities eligible for promotion who were actually recommended for promotion to the number of non-minority males eligible for and recommended for promotion.

c. A comparison of the number of women and minorities recommended for promotion who received promotions to the number of non-minority males who were recommended for and received promotions. Again, the cause of any disparities must be identified and specific remedies established.

4. Salary - The salary analyses must be conducted at several levels, including:

a. A comparison of current salaries to determine whether women and minorities who hold the same or equivalent positions and have experience and qualifications equivalent to those of non-minority males are receiving comparable salaries.

b. A comparison of initial appointment rates to assure that women and minorities with qualifications comparable to those of non-minority males receive appointment at comparable rates.

c. A comparison of merit increases to assure that women and minorities receive merit increases comparable in frequency and amount to those received by non-minority males.

Existing discrepancies that are identified must be corrected immediately and remedies must be established to correct the causes of the discrepancies.

5. Training - An analysis must be conducted of the training being provided to women and minorities compared to that provided to non-minority males. This must include an analysis of whether the intended benefit of the training (promotion, salary increase) is shared equally among women and minorities and non-minority males.

6. Termination - The contractor must review all terminations which resulted from action on the part of the university not to renew an employee's contract to assure that there has not been a disproportionately high termination rate for women and minorities.

The contractor should also analyze all voluntary separations. Where there is a disproportionately high termination rate for women and minorities, by action of the university or the employee, the contractor must determine the cause of the disparity and establish remedies.

Where the contractor has not completed the analyses described above at the time that its affirmative action program is submitted to our Office, the program must include a specific timeframe for conducting each analysis. This must include, for each problem area:

- a. The objectives for each analysis to be conducted;
- b. A description of the statistical data to be developed;
- c. The process to be used in analyzing the statistical data;
- d. The procedure to be used in investigating any possible problems identified;
- e. The precise timeframe for completion of the analyses.

B. Comments

Our Office acknowledges that the university's affirmative action plan includes narratives and statistics on selection and termination in relation to the Identification of Problem Areas; however, the information provided in the report appears to be inadequate. Our Office wishes to further evaluate these areas and discuss them in more detail during the on-site review.

As required in Order No. 4, data provided for the analysis of all subparts contained in the Identification of Problem Areas section must minimally conform to the units and categories employed in the program's Utilization Analysis and Goals and Timetables sections. As indicated previously, the University of Oregon received permission to establish goals and timetables by EEO-1, university-wide categories for classified personnel and by groupings of ranks (professorial, instructor, and "other academic") and units (social sciences, humanities, sciences, professional schools) which distinguish between regular/visiting and full-time/part-time positions for academic personnel. Analyses of subparts of the Identification of Problem Areas section must also be conducted in accordance with the aforementioned units and categories.

C. Deficiencies

The university's analysis of problem areas does not meet all of the requirements described above. Specifically:

1. Applicant Flow - The university has conducted a preliminary applicant flow analysis which identified discrepancies in social sciences, School of Architecture and Allied Arts, and School of Health, Physical Education and Recreation. The affirmative action program indicates that the cause of the discrepancy was impossible to determine because of the incompleteness of the data. Although the monitoring system (Part IV, page 28) indicates that applicant flow will be reviewed on a regular basis, no date has been established for the completion of the first thorough applicant flow analysis.

The information provided for classified applicant flow also indicated discrepancies in several areas. No commitment was made to conduct an in-depth analysis of the acknowledged 8-12% disparity (see Annual Report) in the percentage of women in the work force relative to their availability. If more complete data are needed from departmental units before such an analysis can be made, it should be requested.

The university's affirmative action program (Part V, page 19) states: "It appears at this time that we should review our recruitment process for minority applicants for official, managers, and professionals and women applicants for operative positions." No specific timeframe or schedule for that review was provided.

2. Promotion - The statistics provided for promotion (Part V, pages 6-11) show a disproportionately low number of minorities approved for promotion in the College of Liberal Arts. No commitment is made to determine the cause of that disparity.

No information is provided on the number of women and minorities eligible and recommended for promotion as compared to the number of non-minority males. No commitment is made to analyze data on minorities and women "considered" but "not nominated" for academic promotion and upgrading. No commitment is made to conduct an analysis of average years in rank to identify women and minorities who may be victims of past discriminatory promotion policies or practices.

3. Salary - The university's affirmative action program (Part V, page 3) states that a salary review was conducted in 1971. However, summary statistics indicate that there continues to be a salary differential between male and female academic employees. No commitment is made to conduct an in-depth review of these apparent discrepancies. The fact that the Department of Labor is conducting a review does not relieve the university of its obligation to immediately conduct an in-depth analysis and to eliminate any deficiencies that are revealed as a result of that analysis. Additionally, in the classified staff salary analysis, it is unclear what corrections or adjustments are proposed for the remedy of any disparities found.

The university also has not made a commitment to analyze initial appointment rates and merit increases for possible disparate impact on women and minorities. Evaluation of initial placement rates is especially important for classified employment as established salary schedules determine raises following initial placement.

4. Training - The statistical data provided for classified staff training (Table V-13) show apparent under-participation of women and minorities in several areas. For example, although women represent 62.3% of those employed in the "professionals" category, they represent only 37.5% of those taking training. No analysis was conducted to determine the cause of the under-participation.

The training analysis also did not determine the extent to which women and minorities are receiving the intended benefits of the training courses in which they are enrolled.

VII. DEVELOPMENT AND EXECUTION OF PROGRAMS

A. Comments

Recommendations and suggestions contained within Section 60-2.24 are pertinent to the correction of deficiencies cited in the preceding section, Identification of Problem Areas. The university should find within this section methodology and techniques designed to facilitate the elimination of identified problems.

As indicated in the preceding section, each problem area identified must be accompanied by a detailed program for correction of the problem within a specified timeframe.

VIII. INTERNAL AUDITING AND REPORTING SYSTEMS

A. Comments

Information supplied within the university's program (Basic Data File, personnel review procedures) indicates that the organization is approaching fulfillment of the stated requirements of Section 60-2.25.