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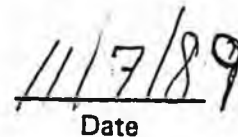
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# RECORDS CERTIFICATION

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Date

UNIVERSITY

OF ALASKA:

DISCRIMINA-  
TION



April 12, 1985

Mr. Roy Huhndorf, President  
Board of Regents  
University of Alaska  
P.O. Drawer 4-N  
Anchorage, AK 99509


Dear Mr. Huhndorf:

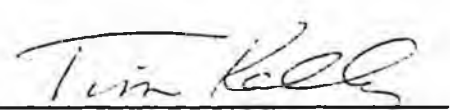
As you know, AS 14.18.010 - 14.18.110 prohibits discrimination based on sex in public education. It has been brought to the attention of the Senate Judiciary Committee that no provision has been made by the Board of Regents to adopt regulation procedures pursuant to the statutes.

We would appreciate it if you could provide the committee with information regarding any steps the University has taken to comply with these statutes.

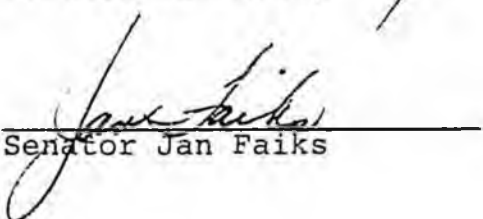
Thank you for your prompt consideration of this matter.

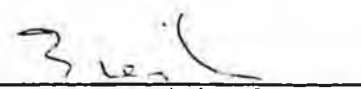
Sincerely,

  
\_\_\_\_\_  
Senator Pat Rodey, Chair

  
\_\_\_\_\_  
Senator Tim Kelly

  
\_\_\_\_\_  
Senator Rick Halford

  
\_\_\_\_\_  
Senator Jan Faiks

  
\_\_\_\_\_  
Senator Robert Viegler

Do letter for all members to sign

4/11/85

Chairman of the Bd. of Regents

It was brought to ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ the attention of the  
Senate Judicial Committee members that no provision has been  
made to adopt regulation procedures pursuant to the statutes.

Wish to inquire about the steps the University has taken to comply  
with the statute.

Have all committee members sign

- (10) Repealed by § 3 ch 238 SLA 1970.
- (11) "taxable real and personal property" means all real and personal property taxable under the laws of the state, but does not include household goods and personal effects;
- (12) Repealed by § 3 ch 238 SLA 1970.
- (13) Repealed by § 2 ch 40 SLA 1971.
- (14) Repealed by § 2 ch 40 SLA 1971.
- (15) Repealed by § 2 ch 40 SLA 1971.
- (16) Repealed by § 2 ch 40 SLA 1971.
- (17) "ADM full-time equivalent" means the quotient of the aggregate periods of pupil membership per day in specified classes, divided by the number of class periods in the school day;
- (18) "instructional unit" means the aggregate of all direct and direct services necessary to provide a standard level of instruction for group of pupils;
  - (A) "direct services" include, but are not limited to supplying teacher services, textbooks, reference materials, pupil and teacher supplies, as well as utilities and custodial services;
  - (B) "indirect services" are those auxiliary or supporting functions that complement direct services and include, but are not limited to administration, transportation, food, attendance and activities;
  - (C) "instructional unit" does not include items of community service, hospital outlay or debt service.
- (19) "weighted ADM" means the number of students in average daily membership in an educational program, adjusted to reflect the level of service required by them in that program as determined by the department. (§ 4.02 ch 164 SLA 1962; am §§ 7, 8 ch 98 SLA 1966; am § 3 ch 153 SLA 1966; am § 18 ch 69 SLA 1970; am §§ 3, 11 ch 238 SLA 1970; am § 2 ch 40 SLA 1971; am § 14 ch 124 SLA 1975; am § 8 ch 115 SLA 1978; am §§ 17, 18 ch 26 SLA 1980)

**Effect of amendments.** — The 1978 amendment added paragraph (19).  
 Section 17, ch. 26, SLA 1980 added "or national educational attendance area" to end of paragraph (3). Section 18, ch. 26, SLA 1980 rewrote paragraph (9).  
**Legislative history reports.** — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7.

### Chapter 18. Prohibition Against Discrimination Based on Sex in Public Education.

Section	Section
60. Discrimination based on sex prohibited	60. Discrimination in textbooks and instructional materials prohibited
70. Discrimination in employment prohibited	70. Affirmative action
80. Discrimination in counseling and guidance services prohibited	80. Implementation
90. Discrimination in recreational and activities prohibited	90. Enforcement by board of education
100. in course offerings	100. Remedies
	110. Effect of chapter

*Non-compliance!*

*Susan Clark  
5866952*

**Sec. 14.18.010. Discrimination based on sex prohibited.** Recognizing the benefit to our state and nation of equal educational opportunities for all students, and equal employment opportunity for public education employees, discrimination on the basis of sex against an employee or a student in public education in Alaska violates art. I, sec. 3 of the Alaska Constitution and is prohibited. No person in Alaska may on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal or state financial assistance. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.020. Discrimination in employment prohibited.** The board, the Board of Regents, and each school board in the state shall

- (1) allow no difference in conditions of employment, including but not limited to hiring practices, credential requirements, leaves of absence, hours of employment, pay, employee benefits, and assignment of instructional and noninstructional duties on the basis of sex; and
- (2) provide the same opportunities for advancement to males and females. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.030. Discrimination in counseling and guidance services prohibited.** Guidance and counseling services in public education are available to students equally and shall stress access to career and vocational opportunities to students without regard to sex. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.040. Discrimination in recreational and athletic activities prohibited.** (a) Equal opportunity for both sexes in athletics and in recreation shall be provided in a manner which is commensurate with the general interests of the members of each sex. Separate school-sponsored teams may be provided for each sex. A school which sponsors separate teams in a particular sport shall provide equipment and supplies, services, and opportunities, including use of courts, gymnasiums, and pools, to both teams with no disparities based on sex. A school which provides showers, toilets, or training-room facilities for athletic or recreational purposes shall provide comparable facilities for both sexes, either through the use of separate facilities or by scheduling separate use by each sex.

(b) A school shall divide available evening time for athletic events fairly between events for each sex.

(c) The board and the Board of Regents of the University of Alaska shall adopt procedures to determine on an annual basis student interest in male and female participation in specific sports, athletics, and recreation. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.050. Discrimination in course offerings prohibited.** (a) Except as provided in (b) this section, all public education classes are available to all students without regard to sex, and curriculum requirements may not be differentiated on the basis of sex.

(b) Separation of the sexes is permitted during sex education programs and during participation in physical education activities if the purpose of the activity involves bodily contact. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.060. Discrimination in textbooks and instructional materials prohibited.** (a) School boards shall have textbooks and instructional materials reviewed for evidence of sex bias in accordance with AS 14.08.111(9) and AS 14.14.090(7). School boards shall use educationally sound, unbiased texts and other instructional materials as they become available. Nothing in this section prohibits use of literary works.

(b) The board shall establish by regulation standards for nondiscriminatory textbooks and educational materials. Each school board shall provide training for all its certificated personnel in the identification and recognition of sex-biased materials.

(c) ~~The Board of Regents shall establish and implement a policy~~ under AS 14.40.170(b) for the guidance of officers and employees of the university on the selection of nondiscriminatory textbooks and educational materials. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.070. Affirmative action.** The board shall establish procedures for affirmative action programs covering both equal employment and equal educational opportunity to be implemented by all school districts and regional educational attendance areas determined by the board not to be in compliance with this chapter. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.080. Implementation.** (a) The board shall adopt regulations under the Administrative Procedure Act (AS 44.62) to implement this chapter.

(b) ~~The Board of Regents shall adopt rules~~ under AS 14.40.170(b)(1) to implement this chapter. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.090. Enforcement by board of education.** (a) The board shall enforce compliance by school districts and regional educational attendance areas with the provisions of this chapter and the regulations and procedures adopted under it by appropriate order made in accordance with AS 44.62. After hearing and a finding that a district or a regional educational attendance area is not in compliance with this chapter and is not actively working to come into compliance, the board shall institute appropriate proceedings to abate the practices found by the board to be a violation of this chapter.

(b) After a finding by the board that a district or regional educational attendance area has not complied with AS 14.18.020 —

14.18.070, and that the measures taken under (a) of this section have been ineffective, the board shall withhold state funds in accordance with AS 14.07.070. (§ 1 ch 17 SLA 1981)

Revisor's notes. — The words "(a) of this section" were substituted for "AS 01.05.031. 14.18.090(a)" this in subsection (b) by the

**Sec. 14.18.100. Remedies.** (a) A person aggrieved by a violation of this chapter or of a regulation or procedure adopted under this chapter as to primary or secondary education may file a complaint with the board and has an independent right of action in superior court for civil damages and for such equitable relief as the court may determine.

(b) A person aggrieved by a violation of this chapter or of a regulation or procedure adopted under this chapter as to postsecondary education has an independent right of action in superior court for civil damages and for such equitable relief as the court may determine. (§ 1 ch 17 SLA 1981)

**Sec. 14.18.110. Effect of chapter.** This chapter is supplementary to and does not supersede existing laws relating to unlawful discrimination based on sex. (§ 1 ch 17 SLA 1981)

## Chapter 20. Teachers and School Officials.

### Article

1. Teacher Certification (§§ 14.20.010 — 14.20.090)
2. Employment and Tenure (§§ 14.20.095 — 14.20.210)
3. Salaries (§§ 14.20.220 — 14.20.275)
4. Sabbatical Leave (§§ 14.20.280 — 14.20.350)
5. Professional Teaching Practices Act (§§ 14.20.370 — 14.20.510)
6. Negotiation and Mediation (§§ 14.20.550 — 14.20.610)
7. Interstate Agreement on Qualification of Educational Personnel (§§ 14.20.620 — 14.20.650)

### Article 1. Teacher Certification.

<p>Section</p> <p>10. Teacher certificate required</p> <p>20. Requirements for issuance of certificate</p> <p>30. Causes for revocation and suspension</p>	<p>Section</p> <p>40. Applicability of the Administrative Procedure Act</p> <p>90. [Repealed]</p>
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Collateral references. — 68 Am. Jur. 2d Schools, §§ 128-143.

78 C.J.S. Schools and School Districts, §§ 154-182.

Matters proper for consideration in appointment of teachers. 94 ALR 1484.

Tests of moral character of fitness as requisite to issuance of teacher's license or certificate. 96 ALR2d 536.

Bias of members of license revocation board. 97 ALR2d 1210.

Actionability of statements imputing inefficiency or lack of qualification to public school teacher. 40 ALR3d 490.

UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

April 23, 1985

Senator Pat Rodey, Chairman  
Senate Judiciary Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

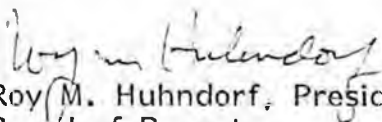
Dear Senator Rodey:

This is to acknowledge your letter of April 12, 1985 requesting information for the Senate Judiciary Committee about policies adopted by the University of Alaska relating to AS 14.18.010 - 14.18.110 which prohibits discrimination based on sex in public education.

To my knowledge, the Board of Regents has adopted policies that deal with sex discrimination as it pertains to firing, access to educational opportunities and sexual harrassment. Your correspondence is being forwarded to President O'Dowd, who will respond directly to you and advise how these policies comply with the above-mentioned State laws.

If I can be of any further assistance in clarifying this matter, please let me know.

Sincerely,

  
Roy M. Huhndorf, President  
Board of Regents

RMH/p  
P5/04

cc: Senator Rick Halford  
Senator Robert Ziegler  
Senator Tim Kelly  
Senator Jan Faiks



University of Alaska

1 Bunnell Building  
Fairbanks, Alaska 99701

June 28, 1985

Senator Pat Rodey, Chairman  
Senate Judiciary Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Rodey:

President O'Dowd has asked me to respond to your inquiry regarding University of Alaska compliance with Alaska Statute 14.18.010-14.18.110 prohibiting sex discrimination in higher education.

The University has taken many steps to comply with AS 14.18 as well as to meet its commitment to achieving equal opportunity in education, professional training, career advancement and University employment. This commitment is expressed in Regents' Policy 04.01.15:

"The University of Alaska recognizes that prior discrimination in educational programs and employment based upon race, color, religion, sex, and national origin, disability, age or status as a Vietnam era veteran, has foreclosed economic opportunity to a significant number of persons in the United States. In order to correct this inequity and to afford all persons the opportunity to achieve their rightful place in society, the University pledges to eliminate any existing vestiges of policy that tend to discriminate upon the grounds proscribed by state and federal laws; and, in addition, to take affirmative action to recruit, employ, and educate qualified members of those groups presently underrepresented."

The University's affirmative actions include "making intensified, goal-oriented efforts to substantially increase the numbers of women and minority groups in positions where their representation has been less than proportionate to their availability; providing reasonable accommodations to assist handicapped students and employees; actively recruiting women, minorities, Vietnam era veterans and disabled persons" (04.01.15B).

To further these actions, the University:

"hires, trains and promotes individuals...solely upon qualifications and ability (or potential ability) to perform the job, and shall consider religion, national origin, sex, age, or disability only where both beneficial and permitted by law; however, preference in hiring may be given...to women, minorities, disabled and/or Vietnam era veterans."  
(04.01.15C.1)

## University of Alaska

"administers all other benefits, conditions and terms of employment...in a non-discriminatory manner." (04.01.15C.2)

"delivers all education services, including but not limited to, admissions decisions, financial aid, access to and participation in educational programs and activities, and health and counseling programs without regard to race, creed, color, religion, national origin, sex, age, physical disability, or veteran status, except where both beneficial and permitted by law." (04.01.15C.3)

A more complete section by section description of the University's Policies, Regulations and procedures regarding sex discrimination in higher education follows. Copies of cited documents are enclosed for your reference.

### I. 14.18.010 - Discrimination Based on Sex Prohibited

- A. Regents' Policy 04.01.15 declares the University's intent to eliminate practices which discriminate upon the grounds proscribed by state and federal law and to act affirmatively to recruit, employ and educate qualified members of groups presently underrepresented (Attachment A).
- B. The University publishes a Statewide Affirmative Action Plan each spring, detailing the University's Affirmative Action program for employees and students (Attachment B).
- C. Regents Policy 10.06.01 which specifically addresses sex equity in academic programs is presently in draft form (Attachment C).

### II. 14.18.020 - Discrimination in Employment Prohibited

- A. Regents' Policy 04.01.15 (Attachment A) declares the University's intent, and University Regulation 04.01.15 (Attachment D) establishes procedures to eliminate employment practices which discriminate upon the grounds proscribed by state and federal law and to increase the utilization of women and minority groups in positions where their representation has been less than proportionate to their availability.
- B. Regents' Policy 04.01.01-04.01.13 (Attachment E) and University Regulations 04.01.01-04.01.14 (Attachment F) establish and define University personnel procedures including, but not limited to, personnel files, disciplinary action, position classification and non-retention.
- C. Regents Policy 04.01.16 (Attachment G) establishes the minimum criteria for each faculty rank, and University Regulation 04.01.16-17 (Attachment H) provides the basic guidelines for the periodic evaluation of faculty members for retention, promotion

and tenure. It also provides guidance to the faculty on their expected performance relative to their workload assignment.

- D. Regents Policy 04.03 (Attachment I) and University Regulation 04.03 (Attachment J) define and establish procedures involving leaves, i.e. sabbatical, temporary disability, maternity, leave without pay, etc.
- E. Regents' Policy 04.10.01 (Attachment K) and University Regulation 04.10.01 (Attachment L) establish guidelines regarding sexual harassment.
- F. Section IV of the Statewide Affirmative Action Plan describes the University's efforts to monitor salaries, terminations, and upward mobility programs to ensure that they are non-discriminatory (Attachment B).
- G. Sections VI and VII of the Statewide Affirmative Action Plan describe the audit and reporting system established by the University to monitor and evaluate its Affirmative Action Program progress (Attachment B).
- H. Section IX of the Statewide Affirmative Action Plan addresses sexual discrimination (Attachment B).

III. 14.18.030 - Discrimination in Counseling and Guidance Services Prohibited

- A. Regents' Policy 10.01.12 affirms the right of every student to receive counseling and guidance services (Attachment M).
- B. Regents' Policy 04.01.15 stresses that such guidance and counseling be done without regard to race, sex, or any other grounds proscribed by state and federal law (Attachment A).

IV. 14.18.040 - Discrimination in Recreational and Athletic Activities Prohibited

- A. Regents' Policy 10.05 declares the University's support of the development of recreational, intramural, extramural and intercollegiate athletics. It further states that men and women shall be provided equal opportunity for participation in all athletic activities and receive equivalent institutional services as proscribed by federal and state law (Attachment N).
- B. Section II of the Statewide Affirmative Action Plan delegates to the Affirmative Action Director the responsibility for conducting periodic self-evaluations to monitor the University's progress in achieving equity in academic programs, including, but not limited to, athletic activities (Attachment B).

V. 14.18.050 - Discrimination in Course Offerings Prohibited

- A. Regents' Policy 04.01.15 declares the availability of classes to all students without regard to sex, race, religion, national origin, age, or handicapped status (Attachment A).
- B. Section II of the Statewide Affirmative Action Plan requires each Vice President, Community College President, Vice Chancellor, Dean and Director to conduct periodic audits to ensure their department's facilities, programs, activities and organizations are desegregated, that comparable facilities are provided for both sexes, and that no University sponsored program discriminates on the basis of sex, race, religion, national origin, age, or handicapped status wherever such handicaps do not prevent performance essential to participation (Attachment B).

VI. 14.18.060 - Discrimination in Textbooks and Instructional Materials Prohibited

Regents' Policy 10.06.01, presently in draft form, affirms the University's intent to maintain a learning environment free of sex bias, including, but not limited to, textbooks, instructional materials, faculty attitudes, and knowledge regarding career opportunities (Attachment C).

VII. 14.18.070 - Affirmative Action

Regents Policy 04.01.15 (Attachment A) affirms the University's commitment to Affirmative Action, and the Statewide Affirmative Action Plan (Attachment B) describes the Affirmative Action program being implemented.

VIII. 14.18.080 - Implementation

Authority and responsibility for developing, implementing, maintaining, and monitoring Affirmative Action programs throughout the Statewide University System lie with the President and the Chancellors. In order to ensure consistent endeavor and progress toward the goal of equal opportunity, a Statewide Affirmative Action Director has been appointed. The responsibilities assigned to the Statewide Affirmative Action Director can be found in Section II of the Statewide Affirmative Action Plan (Attachment B).

IX. 14.18.100 - Remedies

- A. Section VIII of the Statewide Affirmative Action Plan affirms each student or employee's right to consult the Statewide or regional Affirmative Action Director for advice and direction concerning their rights to file an informal complaint with the

## University of Alaska

Affirmative Action Director, to file a formal complaint with the grievance council, or to seek redress of the grievance with the appropriate state and federal agencies. Students or employees who wish to exercise their right to redress of grievances will be free from reprisal, reprimand or harassment (Attachment B).

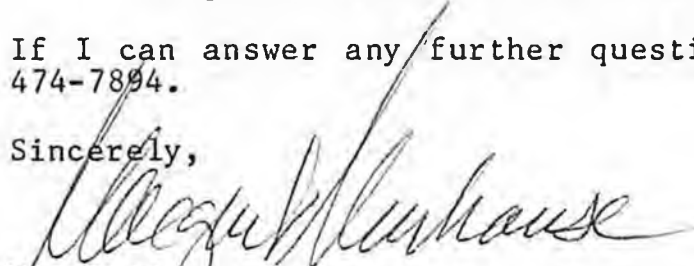
- B. Regents' Policy 04.04.01 (Attachment O) and University Regulation 04.04.01 (Attachment P) establish grievance procedures for students and employees who have a question, problem, charge, or complaint arising from conditions, practices, working relationships, decisions, actions or inactions by the University or by its employees.

The University readily adheres to all applicable federal and state laws and affirms compliance by the following statement which is published in all major University publications:

"It is the policy of the University of Alaska to provide equal education and employment opportunities and to provide service and benefits to all students and employees without regard to race, color, religion, national origin, sex, age, disability, or status as a Vietnam era or disabled veteran. This policy is in accordance with the laws enforced by the Department of Education and the Department of Labor, including Presidential Executive Order 11246, as amended, Title VI and Title VII of the 1964 Civil Rights Act, Title IX of the Educational Amendments of 1972, the Public Health Service Act of 1971, the Veteran's Readjustment Assistance Act of 1974, the Vocational Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the 14th Amendment, Equal Employment Opportunity Commission's Sex Discrimination Guidelines, and Alaska Statutes 18.80.220 and 14.18. Inquiries regarding application of these and other regulations should be directed either to the University of Alaska Affirmative Action Director; the Office of Civil Rights, Department of Education, Washington, DC; or to the Office of Federal Contract Compliance Program, Department of Labor, Washington, DC."

If I can answer any further questions, I encourage you to contact me at 474-7894.

Sincerely,

  
Margaret Morehouse  
Assistant to the President  
Human Resource Development

## PART IV

04.01.15

## PERSONNEL

CHAPTER I  
EMPLOYMENTEqual Opportunity/Affirmative Action Policy

04.01.15

A. Statement of Intent

04.01.15(A)

The University of Alaska recognizes that prior discrimination in educational programs and employment based upon race, color, religion, sex, and national origin, disability, age or status as a Vietnam era veteran, has foreclosed economic opportunity to a significant number of persons in the United States. In order to correct this inequity and to afford all persons the opportunity to achieve their rightful place in society, the University pledges to eliminate any existing vestiges of policy, that tend to discriminate upon the grounds proscribed by state and federal laws; and, in addition, to take affirmative action to recruit, employ, and educate qualified members of those groups presently underrepresented. (09-28-79)

B. Policy Statement

04.01.15(B)

The University of Alaska provides equal opportunity regardless of race, creed, color, national origin, religion, sex, age, or veteran status, pursuant to Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Executive Order 11246 as amended by Executive Order 11375; the Age Discrimination Acts of 1974 and 1975; the Vietnam Era Veterans Readjustment Assistance Act of 1974; and A.S. 18.80.060 of the Alaska Code which guarantees equal opportunity to individuals and groups within our society. In addition, pursuant to the Rehabilitation Act of 1973, the University does not discriminate in providing employment or educational services because of any sensory, mental or physical handicap whenever such handicaps do not prevent performance of essential tasks or assignments. This policy affects employment policies and actions, as well as the delivery of educational services, at all levels and facilities of the University. Further, the University's objective of equal opportunity will be met by taking affirmative action, i.e., making intensified, goal-oriented efforts to substantially increase the numbers of women and minority groups in positions where their representation has been less than proportionate to their availability; providing reasonable accommodations to assist handicapped students and employees; actively recruiting women, minorities, Vietnam era veterans and disabled persons. (09-28-79)

C. Equal Opportunity and Affirmative Action Policy Principles

04.01.15(C)

In furtherance of this policy, the University of Alaska:

1. Hires, trains and promotes individuals in all job classifications solely upon qualifications and ability (or potential ability) to perform the job, and shall consider religion, national origin, sex, age, or disability only where both beneficial and permitted by law; however, preference in hiring may be given to Alaskans

when recruiting for trainee, intern and similar positions with additional preference given to those Alaskans who are women, minorities, disabled and/or Vietnam era veterans.

2. Administers all other benefits, conditions and terms of employment including but not limited to compensation, layoffs, tenure, transfers, leave, insurance, tuition assistance, social and recreational programs, and use of facilities, in a non-discriminatory manner.
3. Delivers all educational services, including, but not limited to, admissions decisions, financial aid, access to and participation in educational programs and activities, and health and counseling programs without regard to race, creed, color, religion, national origin, sex, age, physical disability, or veteran status, except where both beneficial and permitted by law.
4. Is committed to an Affirmative Action Program designed to:
  - a. Increase the percentage of female and minority faculty and staff in positions where they are underrepresented, in administrative and supervisory positions, and throughout the entire University workforce.
  - b. Increase the number of disabled employees and students by providing every reasonable accommodation.
  - c. Increase the percentage of women and minority students and assure equitable treatment in all educational programs and activities.
  - d. Assure that all University policies and regulations are administered in accordance with affirmative action guidelines.
5. Nothing in the policy requires the University to eliminate or dilute standards which are necessary to the successful performance of its educational and research functions. The affirmative action concept does not require that the University employ or promote any person who is less qualified than another person with whom he or she is competing for a particular position or promotion. The concept does require, however, that any standards or criteria which have had the effect of excluding women and minorities be eliminated, unless the University can demonstrate that such criteria are conditions of successful performance in the particular position involved. (See Higher Education Guidelines, Executive Order 11246, U. S. Department of Health, Education and Welfare, Office of Civil Rights, page 4.)

09-28-79

D. Statement of Responsibility

04.01.15(D)

1. Authority and responsibility for implementing, maintaining, and monitoring affirmative action and equal opportunity at the University lie primarily with the President and the Chancellor of each campus or division.

2. Although final authority and responsibility for affirmative action and equal opportunity at the University lie with the President and the Chancellors, each Vice President, Community College President and Vice-Chancellor is responsible to ensure full implementation of this policy and program. All deans, directors, departmental executives, and equivalent officers are similarly responsible within their areas of jurisdiction.
3. Finally, it is the responsibility of each and every member of the University community to assist in achieving the aims of this policy and to make equal opportunity a functioning condition of life at the University. (09-28-79)

UNIVERSITY OF ALASKA  
STATEWIDE  
AFFIRMATIVE ACTION PLAN  
1985

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University of Alaska

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I. Affirmative Action Policy and Regulations

PART IV

04.01.15

PERSONNEL

CHAPTER I  
EMPLOYMENT

Equal Opportunity/Affirmative Action Policy

04.01.15

A. Statement of Intent

04.01.15(A)

The University of Alaska recognizes that prior discrimination in educational programs and employment based upon race, color, religion, sex, and national origin, disability, age or status as a Vietnam era veteran, has foreclosed economic opportunity to a significant number of persons in the United States. In order to correct this inequity and to afford all persons the opportunity to achieve their rightful place in society, the University pledges to eliminate any existing vestiges of policy, that tend to discriminate upon the grounds proscribed by state and federal laws; and, in addition, to take affirmative action to recruit, employ, and educate qualified members of those groups presently underrepresented. (09-23-79)

B. Policy Statement

04.01.15(B)

The University of Alaska provides equal opportunity regardless of race, creed, color, national origin, religion, sex, age, or veteran status, pursuant to Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Executive Order 11246 as amended by Executive Order 11375; the Age Discrimination Acts of 1974 and 1975; the Vietnam Era Veterans Readjustment Assistance Act of 1974; and A.S. 18.30.060 of the Alaska Code which guarantees equal opportunity to individuals and groups within our society. In addition, pursuant to the Rehabilitation Act of 1973, the University does not discriminate in providing employment or educational services because of any sensory, mental or physical handicap whenever such handicaps do not prevent performance of essential tasks or assignments. This policy affects employment policies and actions, as well as the delivery of educational services, at all levels and facilities of the University. Further, the University's objective of equal opportunity will be met by taking affirmative action, i.e., making intensified, goal-oriented efforts to substantially increase the numbers of women and minority groups in positions where their representation has been less than proportionate to their availability; providing reasonable accommodations to assist handicapped students and employees; actively recruiting women, minorities, Vietnam era veterans and disabled persons. (09-23-79)

C. Equal Opportunity and Affirmative Action Policy Principles

04.01.15(C)

In furtherance of this policy, the University of Alaska:

1. Hires, trains and promotes individuals in all job classifications solely upon qualifications and ability (or potential ability) to perform the job, and shall consider religion, national origin, sex, age, or disability only where both beneficial and permitted by law; however, preference in hiring may be given to Alaskans

when recruiting for trainee, intern and similar positions with additional preference given to those Alaskans who are women, minorities, disabled and/or Vietnam era veterans.

- 2. Administers all other benefits, conditions and terms of employment including but not limited to compensation, layoffs, tenure, transfers, leave, insurance, tuition assistance, social and recreational programs, and use of facilities, in a non-discriminatory manner.
- 3. Delivers all educational services, including, but not limited to, admissions decisions, financial aid, access to and participation in educational programs and activities, and health and counseling programs without regard to race, creed, color, religion, national origin, sex, age, physical disability, or veteran status, except where both beneficial and permitted by law.
- 4. Is committed to an Affirmative Action Program designed to:
  - a. Increase the percentage of female and minority faculty and staff in positions where they are underrepresented, in administrative and supervisory positions, and throughout the entire University workforce.
  - b. Increase the number of disabled employees and students by providing every reasonable accommodation.
  - c. Increase the percentage of women and minority students and assure equitable treatment in all educational programs and activities.
  - d. Assure that all University policies and regulations are administered in accordance with affirmative action guidelines.
- 5. Nothing in the policy requires the University to eliminate or dilute standards which are necessary to the successful performance of its educational and research functions. The affirmative action concept does not require that the University employ or promote any person who is less qualified than another person with whom he or she is competing for a particular position or promotion. The concept does require, however, that any standards or criteria which have had the effect of excluding women and minorities be eliminated, unless the University can demonstrate that such criteria are conditions of successful performance in the particular position involved. (See Higher Education Guidelines, Executive Order 11246, U. S. Department of Health, Education and Welfare, Office of Civil Rights, page 4.)

09-26-79

D. Statement of Responsibility

- 1. Authority and responsibility for implementing, maintaining, and monitoring affirmative action and equal opportunity at the University lie primarily with the President and the Chancellor of each campus or division.

2. Although final authority and responsibility for affirmative action and equal opportunity at the University lie with the President and the Chancellors, each Vice President, Community College President and Vice-Chancellor is responsible to ensure full implementation of this policy and program. All deans, directors, departmental executives, and equivalent officers are similarly responsible within their areas of jurisdiction.
3. Finally, it is the responsibility of each and every member of the University community to assist in achieving the aims of this policy and to make equal opportunity a functioning condition of life at the University. (09-28-79)

PART IV  
PERSONNEL  
CHAPTER I  
EMPLOYMENT

Affirmative Action/Equal Opportunity 04.01.15

In order to assure that all persons have equal employment opportunities at the University of Alaska based solely upon their qualifications and ability or potential ability and that affirmative efforts are made to recruit and employ qualified members of those groups presently underrepresented, employment at the University shall be governed as follows:

- A. Recruitment Process. Recruitment is a process undertaken by hiring authorities to contact applicants for employment. Additionally, each hiring authority has a responsibility to target recruit "protected" applicants and to:
1. Contact the designated Affirmative Action Officer (AAO) whenever there is a reasonable possibility that a vacancy will occur. In order to avoid delay in hiring, anticipated vacancies may be announced if identified as anticipated. The AAO and the Office of Human Resource Development (OHRD) will assist the hiring authority in conducting an efficient, well-documented hiring process.
  2. Appoint a search/screen committee of three or more persons if appropriate. A committee is highly recommended but not mandatory. Membership should include women and minorities and may include faculty, staff, students, or non-university people. The AAO and OHRD may serve as ex-officio members. Further definition of the scope and responsibility of the search/screen committee may be determined by the hiring authority in consultation with the AAO and OHRD.
  3. Complete the Recruitment Report: (see form at 04.01.15 K.1.) This form is supplied by the AAO or OHRD and must be completed and approved before announcing the position vacancy. The items required by the form are defined as follows:

- a. "Employment goals" will be supplied by the AAO and will identify those groups which are presently underrepresented in the workforce. Special efforts should be made to target recruit applicants from those underrepresented groups.
- b. "Salary and range" must be identified initially by the hiring authority in consultation with the OHRD for "in-house" record keeping. It is recommended but not required that salary be publicized.
- c. "Target recruitment sources" are contacted by the AAO, OHRD and the hiring department. The local OHRD routinely posts all vacancies, contacts local affirmative action recruitment sources, and notifies other University of Alaska OHRDs and AAOs. The AAO may also conduct special recruitment efforts as appropriate. The AAO or OHRD contacts "protected" persons who have applied earlier for similar positions.

Only additional publicity efforts undertaken by the hiring authority and/or the search/screen committee should be listed on the recruitment report, e.g., paid advertising and direct mailing of vacancy announcements to affirmative action recruitment sources. It is expected that each department will make affirmative efforts to contact "protected" persons.

- d. "Recruitment period". The quality of recruitment efforts is always more important than the quantity of time spent recruiting. Recruitment efforts should be sufficient to produce a pool of applicants which reflects the availability of "protected" persons in the particular job category being advertised. If the pool does not reflect labor market availability, the department must continue target recruiting before closing the recruitment period or be able to document that affirmative efforts were made to reach qualified "protected" applicants.
4. Develop a Vacancy Announcement or obtain one from the OHRD (see form at 04.01.15 K.2.). The vacancy announcement must correlate with the job description, include basic elements noted on the vacancy announcement outline (04.01.15 K.2.), and specify criteria which will be used to select applicants. If abbreviated, paid advertisements are used, each applicant for the position must have access to a copy of the vacancy announcement to assure that all

qualifications and job responsibilities have been communicated. Qualifications must be job-related and selection criteria and procedures must be evaluated by the AAO to eliminate any adverse impact on "protected" group applicants.

- a. "Required qualifications" should be truly the minimum needed to perform the job and include only those job-related qualifications which cannot be learned on the job within a reasonable length of time. Each required qualification must be essential to satisfactory job performance. If a person could perform the job without a particular qualification, then that qualification may not be required. Required qualifications once defined are inflexible. An applicant who does not meet the required qualifications cannot be hired.
- b. Knowledge, skills, and abilities must be job-related and well defined. These qualifications will be the focus of the selection process. Thorough identification and accurate definition of all job-related knowledge, skills, and abilities are essential to the systematic selection of qualified applicants who can successfully perform the job responsibilities.
- c. Experience and educational qualifications frequently have a disparate impact on "protected" applicants and should not be listed unless justified as necessary for professional accreditation of the department or program, or essential to job performance. Essential job-related experience may be identified, but the number of years may not be specified. Candidates must be allowed flexibility to demonstrate job knowledge, skills, and abilities whether acquired through formal education work experience, or a wide variety of life experiences.
- d. Each OHRD bulletin board shall contain substantially the following statement:

Applications from all persons are welcomed; women, minorities, disabled persons, and Vietnam era veterans are especially encouraged to apply. The University of Alaska does not discriminate on the basis of race, color, religion, national origin, sex, age, disability or status as a Vietnam era or disabled veteran in employment or in admission to or in the operation of its educational programs and activities as proscribed by Titles VI and VII of the Civil Rights Act of 1964,

Title IX of the Education Amendments of 1972, Executive Order 11246 as amended, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Age Discrimination Acts of 1974-75, and Chapter 18.80.220 of the Alaska Code. Inquiries concerning the application of these regulations to the university may be directed to the University Affirmative Action Director or to the Director, Office of Federal Contract Compliance Programs, Department of Labor.

- e. Advertisements in newspapers, journals, and other sources are generally condensations of vacancy announcements and need only include position title, closing date, contact information, and the statement "An AA/EO employer and educational institution".
5. Establish A "Preliminary" Screening Process: Preliminary screening evaluates only required qualifications that can be objectively assessed in a yes/no judgment. However, if there is any question whether an applicant is minimally qualified, the applicant should be advanced to the "intermediate" phase. The function of preliminary screening is to identify applicants who appear to meet the minimum qualifications for the position.
6. Develop An "Intermediate" Screening Process which will provide documentation that candidates were selected in an equitable manner. "Intermediate" screening evaluates all criteria. Documentation should contain both a quantifiable rating and comments to document the basis for the values used in the rating. Selection criteria may be given weight factors in accordance with job responsibilities. The screening process should be completed systematically and the selection criteria should be applied to each candidate in a uniform manner. If a committee is used, completed screening forms are maintained separate from the applicant materials to prevent bias of subsequent committee members' reviews.
7. Develop An Interview Process: Interviews are optional, but, if conducted, an outline of interview topics and a procedure for documenting the evaluation of applicants during the interview process must be developed. The department may request that finalists appear for an interview at their own expense or be interviewed by telephone. Telephone interviews follow the same process as in-person interviews. A minimum of two (2) interviewers should participate in the telephone interview but it is recommended that as many committee members as

- possible participate in the interview. It is always important that screening criteria and procedures are uniformly and consistently applied to all applicants, particularly at the interview stage which is by nature less objective than the evaluation of paper credentials.
8. A Reference Request Form may be developed to send to each referee in order to diminish ambiguity and obtain specific job-related information. Each identified selection criterion should be followed by a quantifiable scale which includes an "unknown" category. Space should also be provided for comments.
  9. Submit the completed Recruitment Report with supporting documents to the AAO for review and approval. OHRD will not process a position for advertisement until it has been approved by the AAO.
8. Screening Process. In the event that candidates for a position appear to be comparably qualified, preference is to be given to members of "protected" groups which are presently underrepresented in that EEO-6 job category in the university workforce. The hiring authority is responsible for the following steps in selection of the successful candidate:
1. Assure that each mail-in applicant receives an optional form (see form at 04.01.15 K.3.). All completed Optional Forms will be forwarded to the AAO. Sight identifications should be recorded for those applicants who appear in person.
  2. Follow the screening process as outlined on the Recruitment Report and insure that the process is fully documented.
  3. Contact the AAO prior to the final stage of selection in order to review documentation of the selection process, to identify any candidates who are members of "protected" groups, and to discuss appropriate affirmative actions to be taken. The hiring authority must be able to document that reasonable efforts were made to assure that qualified, "protected" applicants in the pool be included among the final or "top" candidates.
  4. Conduct Interviews If Appropriate. Candidates should not be interviewed prior to the closing date unless all applicants are to be interviewed or unless special permission is granted by the AAO. Not all applicants need to be interviewed, but it is advisable to interview the "top" candidates.

5. Complete the Applicant Flow Report, except for the hiring section (see form 04.01.15 K.4.). State specific reasons for eliminating "protected" candidates, and specific reasons for selection of the finalists. The reasons should be objective and relate to the vacancy announcement. The Applicant Flow Report should be detailed and complete so that it will "stand alone" as explanation for the end result of selection.
6. Submit the Applicant Flow Report along with all applicant folders and screening documents to the AAO. Approval from the AAO must be obtained prior to offering the position to any candidate. Affirmative Action approval indicates that to the knowledge of the Affirmative Action Officer, appropriate efforts have been made to assure a balanced pool of applicants and that the selection process permitted the evaluation of all candidates in terms of their qualifications to perform the job in question. If, in reviewing the hiring process, it is determined that proper procedures have not been followed, the AAO will return the documents to the hiring authority unsigned, with an attached memorandum of explanation and recommended solution. In most cases, this action will not be necessary if the hiring authority has communicated sufficiently with the AAO throughout the screening process. The AAO's decision may be appealed to the appropriate executive administrator (community college president, chancellor, president or designees).

C. Hiring Process.

1. Offers of employment shall be made in accordance with procedures established at each major administrative unit.
2. Complete the Hiring Section of the Applicant Flow Report after the candidate has accepted or rejected the offer. The completed Applicant Flow Report, selection documents, and application materials must be retained for a period of three years in accordance with procedures established at each major administrative unit.
3. Unsuccessful candidates should be notified promptly that they have not been selected for the position. Qualified but unsuccessful "protected" candidates should be contacted individually by the AAO or OHRD for future vacancies for which they are qualified and should be encouraged to enter the labor pool for temporary and emergency hires.

D. Employment of Disabled Persons

1. Reasonable Accommodation: If an employee or an otherwise qualified candidate for a position has a disability which might affect job performance reasonable accommodation should be made to assist the person to perform the job properly and safely. In determining what constitutes a reasonable accommodation, consideration should be given to issues of safety, financial considerations and sound business practices. The specific accommodations are to be determined through consultation with the handicapped person.
2. Select Appointment: In cooperation with the State Department of Vocational Rehabilitation, a person certified as severely disabled by the State Director may be appointed directly to a position as a four month provisional hire in accordance with AS35.25.50. If the individual performs satisfactorily, probationary employment may be extended two months by the hiring department to fulfill the six month probationary employment requirements of the university. After satisfactory completion of the six months probation period, permanent status may be granted. Direct appointments may be arranged by contacting the AAO or the OHRD.
3. Unpaid Work Experience: The unpaid work experience allows a Vocational Rehabilitation Counselor to place on the job, at no expense to the employer, a handicapped person for training and diagnostic purposes. The handicapped person does not displace other employees. An unpaid work experience may be arranged by contacting the AAO or the OHRD.

E. Temporary Hiring

1. Recruitment and hiring procedures for the initial hire of a temporary employee are generally the same as for a permanent hire. However, procedural modifications may be made in consultation with the AAO.
2. Full-time or part-time employees working 20 hours or more per week are appointed only for a three month period. Individual three month extensions may be granted based on documented justification and approval by the chancellor or chancellor's designee. Extensions approved beyond a six month total hire period in any seven months require that the employee be provided with basic health care benefits, temporary disability leave, holidays and annual leave or time off for academic employees.

F. Emergency Hire

1. An emergency hire is a matter of business necessity rather than convenience and requires the approval of the AAO. The AAO shall consider approval of emergency hires in such cases as the following:
  - a. To cover an employee on emergency or short-term, temporary leave.
  - b. To appoint a short-term, temporary employee to assist with an unexpected increase in work load.
  - c. To temporarily fill a vacancy only for the duration of the normal recruitment and hiring process.
  - d. To hire an author or principal investigator of a restricted fund or other sole source project.
  - e. To replace a faculty member who unexpectedly fails to return for the beginning of classes or when unexpected increased enrollment warrants additional faculty.
  - f. To meet the unexpected employment demands of an emergency nature.
2. The hiring authority who wishes to make such an appointment must submit an Emergency Hire Report (see form 04.01.15 K.5.) to the AAO for approval prior to an offer of employment. Every effort should be made to contact "protected" candidates. A copy of the Emergency Hire Report shall be maintained by the initiating department and shall accompany the hiring documents.

If the AAO determines that the request for an emergency hire is not warranted, the request will be returned to the initiating department with a complete explanation attached. The hiring authority may then appeal for approval to the appropriate executive administrator (community college president, chancellor, president or designees).

G. Promotion

1. Whenever a position is created or vacated, a potential promotional opportunity exists for current University of Alaska employees. Hiring authorities are encouraged to explore thoroughly the alternative of promotion before deciding to recruit from the general public. With written approval from the AAO and OHRD, the hiring authority may:

- a. Directly promote an employee into the position as part of an official training program or an identified career ladder step.
  - b. Announce the position throughout the department, campus/region or University system and include the following statement on the vacancy announcement:  
  
"This position vacancy is announced as an employment opportunity for University of Alaska (or department name) employees only."
2. Approval of the AAO will signify that:
    - a. The university workforce is balanced in that job category (no target recruitment is necessary) or
    - b. That target recruitment is indicated but that a balanced pool of qualified applicants is available within the department, campus or system. The availability of this pool satisfies the requirement to target recruit.
  3. If, after in-house advertising, a suitable candidate is not found, the vacancy will be announced to the public. Once a position is open to the general public, university employees will be encouraged to apply and will compete on an equal basis with other applicants.

#### H. Transfers

An employee may request or a supervisor and/or Director of OHRD may recommend a transfer without promotion to a vacant position in the same salary range in another department or unit. Prior approval of such transfers must be obtained from both departments/units, the AAO and the OHRD.

#### I. Reappointment of A Seasonal Worker

An employee may be reappointed into a temporary seasonal position if the employee was originally selected and employed in accordance with university hiring regulations.

#### J. Definition of Terms

1. The term "minorities" refers to members of any one or more of the following groups:
  - a. Black (not of Hispanic origin) - a person having origins in any of the Black racial groups of Africa.

- b. Hispanic - a person of Mexican, Puerto Rican, Cuban, South American, or other Spanish culture origin, regardless of race.
  - c. Asian or Pacific Islander - a person with ancestry in the Indian subcontinent, the region referred to as the Far East, Southeast Asia, or the Pacific Islands, i.e., India, Pakistan, Thailand, China, Japan, Philippines (not the Middle East).
  - d. American Indian or Alaska Native - a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.
2. The term "protected", "protected class" refers to:
- a. Women of all races and national origins who are applicants for positions that are not clerical in nature.
  - b. Minorities as defined above.
  - c. "Handicapped" individuals - those persons who have a record of physical, sensory, or mental disabilities which substantially limit one or more major life activities or who are regarded as having such a disability.
  - d. "Vietnam era veterans" - any veteran of the Vietnam era (August 15, 1964 - May 7, 1975) is considered "protected" for a period of up to four years after the date of his or her discharge.
  - e. "Disabled veterans" - persons entitled to disability compensation under laws administered by the Veterans Administration for disability rated at thirty (30) percent or more or a person whose discharge from active duty was for a disability incurred or aggravated in the line of duty.
  - f. Males who are applicants for positions in which traditionally they have not been employed (e.g., clerical positions, nursing).
3. "Target groups" are those "protected classes" which are presently underrepresented in a particular EEO-6 job category in the university's workforce.

4. "Target recruitment" refers to additional recruitment efforts specifically made to recruit applicants from target groups.
5. "AAO" refers to the unit, regional or statewide Affirmative Action Office, Director, Officer or designated person, whichever reference is applicable.
6. "OHRD" refers to the unit, regional or Statewide Human Resource Development/Personnel Office, director, or designated person, whichever reference is applicable.
7. "Temporary employees" refer to:
  - a. Full-time or part-time employees working 20 hours or more per week who are appointed for a three month period.
  - b. Part-time employees, working less than 20 hours per week or less than 1040 hours per year.
  - c. Part-time instructors who teach less than 7.5 credit hours per semester or who prepare equivalent course work.
  - d. On call employees employed for periodic, discontinuous assignments.
8. "Emergency Hire" refers to the direct appointment of an individual into any position without following the required recruitment procedures because of an emergency need for immediate filling of the position.

# UNIVERSITY OF ALASKA RECRUITMENT REPORT

Recruitment approval must be received from the Affirmative Action Director prior to releasing the announcement of any position vacancy.

Region \_\_\_\_\_ Department \_\_\_\_\_ Cost Center \_\_\_\_\_

Job Title \_\_\_\_\_ Job Title # \_\_\_\_\_ EEO-6 Category \_\_\_\_\_

Recruitment Period: Opening Date \_\_\_\_\_ Closing Date \_\_\_\_\_ OR \_\_\_\_\_

Employment goals \_\_\_\_\_

Classification: Student \_\_\_\_\_ Classified \_\_\_\_\_ Faculty \_\_\_\_\_ APT \_\_\_\_\_

Status: FTP \_\_\_\_\_ PTP \_\_\_\_\_ TEMP. \_\_\_\_\_ Salary & Range \_\_\_\_\_

Selection Committee Members \_\_\_\_\_

Target recruitment sources \_\_\_\_\_

- 1) Attach a copy of the vacancy announcement.
- 2) Attach a copy of the corresponding position description approved by OHRD.
- 3) Attach a copy of the paid position advertisement, if appropriate.
- 4) Attach copies of all selection forms, reference request forms, & tests with written instructions.

Signature \_\_\_\_\_  
Hiring Authority

Phone \_\_\_\_\_ Date \_\_\_\_\_

Approval \_\_\_\_\_  
Affirmative Action Director

\_\_\_\_\_ Date \_\_\_\_\_

UNIVERSITY OF ALASKA, STATEWIDE ADMINISTRATION  
NON-EXEMPT VACANCY ANNOUNCEMENT

JOB TITLE FULL-TIME - PERMANENT (12 MONTHS) CODE I  
Range ?? (\$??)??  
DEPARTMENT

RESPONSIBILITIES/DUTIES (Should include a detailed description of the position and correlate directly with the position description on file.)

QUALIFICATIONS

Knowledge of:

Skill in:

Ability to:

Education/Experience:(Job related education may be included if essential for job performance, professional accreditation of the department or program. Job related experience may be included but number of years may not be specified.)

APPLICATIONS Apply to: ? ? ? ? ? ?

OPENING DATE:

CLOSING DATE:

THE UNIVERSITY OF ALASKA IS AN AA/EEQ EMPLOYER AND EDUCATIONAL INSTITUTION.

Your application for employment with the University of Alaska may be subject to public disclosure if you are selected as a finalist.

# OPTIONAL FORM

## University of Alaska

It is the policy of the University of Alaska to refrain from employment discrimination and to take affirmative action to realize full and equal employment opportunity for women, minorities, handicapped persons, and veterans of the Vietnam era. If you believe you could benefit from the University's Affirmative Action program and would like to be included, please complete this form. The information you provide will be kept confidential and will in no way adversely affect any employment decision. Refusal to provide the information will in no way affect your application.

NAME: \_\_\_\_\_  
(Last) (First) (Middle)

Present Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
(City)

Permanent Address: \_\_\_\_\_ City: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Full Title & Department of  
Job Applied for \_\_\_\_\_

1. Race/Ethnicity: \_\_\_\_\_ White/Non-Hispanic \_\_\_\_\_ Asian  
\_\_\_\_\_ Black/Non-Hispanic \_\_\_\_\_ Hispanic  
\_\_\_\_\_ American Indian \_\_\_\_\_ Alaska Native

2. Religion: \_\_\_\_\_

3. Sex: Male \_\_\_\_\_ Female \_\_\_\_\_ 4. Date of Birth: \_\_\_\_\_

5. If you are a veteran of the Vietnam era (August 15, 1964 - May 7, 1975) please provide your date of discharge.  
\_\_\_\_\_

6. If you have a disability which might affect your performance or create a hazard for yourself or others in connection with the position for which you are applying, and the University can provide any special accommodations to assist you, please state:

a. the accommodation we could make which would enable you to perform the job properly and safely.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. skills and procedures you use or intend to use in the job to compensate for your disability:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. How did you learn about this job? \_\_\_\_\_  
\_\_\_\_\_

FTP \_\_\_\_\_  
 PTP \_\_\_\_\_  
 Temp \_\_\_\_\_  
 Stud \_\_\_\_\_

## UNIVERSITY OF ALASKA APPLICANT FLOW REPORT

**Hiring approval must be received from the Affirmative  
 Action Director prior to offering the position to any applicant.**

Region \_\_\_\_\_ Cost Center \_\_\_\_\_ Department \_\_\_\_\_ Job Title \_\_\_\_\_ EEO-6 Cat. \_\_\_\_\_

Total # Applic. \_\_\_\_\_ Total # Optional Forms \_\_\_\_\_ Total # Sight Identifications \_\_\_\_\_

Race/Ethnicity	Total # Applicants		Eliminated Preliminary Stage		Eliminated Intermed. Stage		Eliminated Final Stage or Interview	
	M	F	M	F	M	F	M	F
White/non-Hisp.								
Black/non-Hisp.								
Hispanic								
Asian								
Alaska Native								
American Indian								

List below all applicants from protected groups who were eliminated. Please include non-citizen minorities and identify with an asterisk. Attach an additional sheet if necessary.

NAME	SEX	RACE ETHN.	HANDICAP	VIET. VET	STAGE ELIM.	APPLIC. DATE	REFERRAL SOURCE
1.							

Reasons:

2.							
----	--	--	--	--	--	--	--

Reasons:

3.							
----	--	--	--	--	--	--	--

Reasons:

4.							
----	--	--	--	--	--	--	--

Reasons:

5.							
----	--	--	--	--	--	--	--

Reasons:

List below *in order of preference* all candidates to whom the position may be offered. Indicate *specific* reasons for the selection of each candidate. Reasons must relate specifically to the vacancy announcement and selection criteria.

04.01.15K.4.  
HIRING  
INFORMATION

Name	Sex	Race/ Ethn.	Handi- cap	Vietnam Veteran	Appl. Date	Referral Source	(Complete after position is accepted.)
1)							Date of Offer: _____ Date of Acceptance: _____ Date of Rejection: _____ Date of Employment _____
Reasons:							
2)							Date of Offer: _____ Date of Acceptance: _____ Date of Rejection: _____ Date of Employment _____
Reasons:							
3)							Date of Offer: _____ Date of Acceptance: _____ Date of Rejection: _____ Date of Employment _____
Reasons:							

I hereby certify that the hiring process was conducted in accordance with the principles of equal opportunity and affirmative action.

\_\_\_\_\_  
Signature (Hiring Authority)

\_\_\_\_\_  
(Phone) (Date)

\_\_\_\_\_  
Signature (Affirmative Action Director)

\_\_\_\_\_  
(Date)

Applications and selection records must be held on all applicants for 3 years.

## UNIVERSITY OF ALASKA EMERGENCY HIRE REPORT

**Hiring approval must be received from the Affirmative Action Director  
Prior to offering the position to any applicant.**

Region \_\_\_\_\_ Department \_\_\_\_\_ Cost Center \_\_\_\_\_

Job Title \_\_\_\_\_ Job Title # \_\_\_\_\_ EEO-6 Category \_\_\_\_\_

Employment goals \_\_\_\_\_

Classification: Student \_\_\_\_\_ Classified \_\_\_\_\_ Faculty \_\_\_\_\_ Apt. \_\_\_\_\_

Duration of appointment \_\_\_\_\_ (FT \_\_\_\_\_ PT \_\_\_\_\_) Salary & Range \_\_\_\_\_

Date OHRD/AA Notified \_\_\_\_\_

1) Justification for emergency status and waiver of advertising.

2) How/Why was successful candidate selected?

3) Target recruitment sources:

Race/Ethnicity	Total Applicants		Handicap	Vietnam Veteran
	M	F		
White non-Hispanic				
Black non-Hispanic				
Hispanic				
Asian				
Alaska Native				
American Indian				

4) List below candidate to whom position will be offered:

Name	Sex	Race Ethn.	Handicap	Vietnam Veteran	Referral Source

Signature \_\_\_\_\_  
Hiring Authority

Phone \_\_\_\_\_ Date \_\_\_\_\_

Approval \_\_\_\_\_  
Affirmative Action Director

\_\_\_\_\_ Date

## II. Responsibility for Implementation

A. Authority and responsibility for developing, implementing, maintaining, and monitoring Affirmative Action/Equal Opportunity throughout the Statewide University system lie with the President of the University and the Chancellors of each major administrative unit. In order to ensure consistent endeavor and progress toward the goal of equal opportunity, a Statewide Affirmative Action Director has been appointed and assigned the responsibility to:

1. Design, implement and maintain a statewide monitoring system; determine progress towards Affirmative Action goals and objectives; identify program deficiencies and recommend corrective actions.
2. Develop University Affirmative Action employment policies and regulations and student equal opportunity policies and regulations and provide necessary training for effective implementation.
3. Coordinate and monitor investigations of equal opportunity grievances, complaints and law suits by: advising students, staff, faculty, and members of the grievance process; referring complainants to appropriate agencies and grievance bodies; monitoring University equal opportunity grievance proceedings; and responding orally and in writing to external agencies concerning complaints filed against the University of Alaska; attending hearings as necessary.
4. Design, initiate, and/or implement programs, including workshops, staff development programs and training sessions for managers, supervisors and other members of the University community.
5. Monitor progress of Title VI, Title IX and 504 programs to achieve employment equity and equity in academic programs. Conduct periodic self-evaluations and make recommendations for corrective action; respond as required to state and federal compliance agencies regarding these programs.
6. Monitor progress towards goals and timetables by: reviewing and analyzing quarterly, semi-annual and annual progress reports for each major administrative unit and reporting finds and recommendations to the President.
7. Disseminate information throughout the system concerning the University's Affirmative Action program; state and federal laws, regulations and

court decisions; and new state and national developments in Affirmative Action.

8. Analyze internal employment and grievance data to assure equitable treatment in promotion, transfer, layoff, recall, termination, salary and benefits.
  9. Annually revise and disseminate the Statewide Affirmative Action Plan, including but not limited to: revising availability statistics and source listings for recruiting protected classes; preparing a workforce analysis; and calculating goals and timetables.
  10. Conduct research on current and anticipated legal developments in equal opportunity and of resulting implications for the University.
  11. Serve as liaison with minority, women's, and veteran's groups, with agencies for the disabled, with community action agencies, and with governmental agencies.
- B. Each Chancellor has appointed an Affirmative Action Director to assume similar responsibilities on a campus or regional basis. Duties of each regional or campus Affirmative Action Director are outlined in that unit's Affirmative Action Plan.
- C. Each vice president, community college president, vice chancellor, dean, director, departmental executive, and other equivalent officer, is responsible within his or her area of jurisdiction to:
1. Assist in the identification of problem areas and propose viable solutions.
  2. Assist in the establishment of goals and timetables.
  3. Actively interact with local minority, women's and veterans' organizations, agencies for the disabled, and community action programs.
  4. Monitor and review hiring and promotion criteria and procedures to eliminate or change those promotion criteria and procedures which have not proven to be successful performance indicators and which have a disparate impact on women, minorities, or disabled persons.
  5. Conduct regular discussions with faculty and staff at least once per semester to ensure that equal opportunity policies are being followed.

6. Ensure that women, minorities, disabled persons, and Vietnam era veterans are given full consideration for promotion and transfer.
  7. Offer career counseling, whether formal or informal, for all employees.
  8. Conduct periodic audits to ensure that equal employment opportunity posters are displayed; that facilities, programs, activities, and organizations are desegregated; that comparable facilities are provided for both sexes; and that no University sponsored program discriminates on the basis of sex, race, religion, national origin, age or handicapped status, whenever such handicaps do not prevent performance essential to participation.
  9. Prevent harassment of any employee who internally or externally pursues a grievance or complaint or who has benefited in employment through affirmative action efforts.
  10. Ensure full implementation of the University's Affirmative Action Policy and program.
  11. Ensure that all University administrators responsible for employment decisions or for progress of the Affirmative Action program in their areas are evaluated annually on the basis of their affirmative action efforts and results, and that all other employees who have been involved in the University's Affirmative Action program are similarly evaluated.
- D. Finally, it is the responsibility of each and every member of the University community to assist in achieving the aims of the Affirmative Action Policy and program and to make equal opportunity a functioning condition of life at the University.

### III. Program Dissemination

#### A. Internal Communications

1. The Office of the President issues the current Affirmative Action Plan each spring as an official document for distribution to all Chancellors, and Affirmative Action and Human Resource/Personnel Directors where it is available to the University community. Each Chancellor issues the current Affirmative Action Plan for his/her unit each spring as an official document to all appropriate

administrative offices.

2. The Affirmative Action Policy and Hiring Regulations are printed in the University of Alaska Policy Manual and Manual of Regulations.
3. Information on Affirmative Action/Equal Opportunity Policy and programs is published regularly in University newsletters.
4. Information regarding the Affirmative Action Plan is disseminated to new employees during orientation.
5. Various affirmative action and equal employment opportunity posters are displayed on bulletin boards throughout the University.
6. Affirmative Action and Equal Opportunity Policies and programs are discussed in management training sessions.
7. The President appropriately includes information regarding the University's Affirmative Action/Equal Opportunity Policy and program in presentations to the University community and the Board of Regents. The intent of the policy and the individual responsibility for effecting implementation are two of the issues stressed.
8. Each campus chancellor and community college president periodically informs campus employees of their responsibility for implementing the Affirmative Action program within their assigned units.
9. Each vice president, dean, director, and department head discusses affirmative action problems and progress in staff meetings at least once per semester. Schedules of all meetings, names and titles of those in attendance, and subject matter are maintained as a matter of record.
10. The Affirmative Action Office prepares and disseminates quarterly summaries of hiring, promotion, transfer and termination statistics. Progress of goals and timetables are published each spring.
11. University publications are reviewed by the authors, the Affirmative Action Office and the Public Affairs Office to assure that, whenever possible, minority, non-minority, and disabled men and women are pictured.

B. External Communications

1. Major publications (catalogs, etc.) contain substantially the following statement: "It is the policy of the University of Alaska to provide equal education and employment opportunities and to provide service and benefits to all students and employees without regard to race, color, religion, national origin, sex, age, disability, or status as a Vietnam era or disabled veteran. This policy is in accordance with the laws enforced by the Department of Education and the Department of Labor, including Presidential Executive Order 11246, as amended, Title VI and Title VII of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Public Health Service Act of 1971, the Veteran's Readjustment Assistance Act of 1974, the Vocational Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the 14th Amendment, EEOC's Sex Discrimination Guidelines, and Alaska Statute 18.80.220. Inquiries regarding application of these and other regulations should be directed either to the University's Affirmative Action Director; the Office of Civil Rights, Department of Education, Washington, DC; or to the Office of Federal Contract Compliance Programs, Department of Labor, Washington, DC."
2. Short brochures, pamphlets or forms other than job advertisements contain substantially the following statement: "The University of Alaska provides equal education and employment opportunities for all, regardless of race, color, religion, national origin, sex, age, disability, or status as a Vietnam era or disabled veteran."
3. All Human Resource/Personnel bulletin boards post the following statement: "Applications from all persons are welcomed; women, minorities, disabled persons, and Vietnam era veterans are especially encouraged to apply. The University of Alaska does not discriminate on the basis of race, color, religion, national origin, sex, age, disability, or status as a Vietnam era or disabled veteran in employment, or in admission to or the operation of its educational programs and activities, as proscribed by Presidential Executive Order 11246, as amended, Title VI and Title VII of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Public Health Service Act of 1971, the Veteran's Readjustment Assistance Act of 1974, the Vocational Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967,

the Equal Pay Act of 1963, the 14th Amendment, EEOC's Sex Discrimination Guidelines, and Alaska Statute 18.80.220. Inquiries concerning the application of these regulations to the University may be directed to the University's Affirmative Action Director; the Office of Civil Rights, Department of Education, Washington, DC; or to the Office of Federal Contract Compliance Programs, Department of Labor, Washington, DC."

4. All purchase orders, leases, contracts, and position vacancy announcements/advertisements carry the statement "The University of Alaska is an Affirmative Action/Equal Opportunity Employer and Educational Institution".
5. Written notification of the University policy regarding Affirmative Action and Equal Opportunity is forwarded to all contractors, subcontractors, vendors and suppliers, requesting appropriate action on their part.
6. All collective bargaining agreements with the University of Alaska include provisions for conformance to the University's Affirmative Action/Equal Opportunity Policy and program.
7. The equal opportunity statement presented in Section II B (1) is published in area newspapers prior to each semester so that the community at large, as well as prospective employees and students, are informed of the University's policy. Additionally, each applicant for employment receives or has access to a vacancy announcement which contains the University tagline presented in Section II B (4).
8. Each fall, written notification of the University's policy regarding Affirmative Action/Equal Opportunity is provided to community agencies and leaders, minority, women's and veteran's organizations, agencies for the disabled, affirmative action recruiting sources and secondary schools in Alaska.
9. Minority, women's and veteran's organizations, agencies dealing with the disabled, and other community agencies are contacted regularly by the statewide and regional Affirmative Action Offices for the purpose of communicating the Affirmative Action Policy and Plan and encouraging the application of minorities, women, veteran, handicapped, and other protected group members.

10. The Affirmative Action office disseminates employment information, seeks and counsels prospects, provides information on the Affirmative Action program and, in general, assures that every possible contact is made which could assist the Affirmative Action effort.

#### IV. Identification of Problem Areas and Action Oriented Solutions

A. Problem: Composition of applicant flow. Applicant flow data are not too reliable since some applicants choose not to complete the Optional Form identifying race and sex and not all applicants are interviewed for a positive sight identification. However, it appears that:

1. The percentage of minority applicants is frequently less than the minority availability percentage for all job categories.
2. The percentage of female applicants is sometimes less than the female availability percentage for administrative, professional and faculty positions.
3. Minority applicants are sometimes rejected in the selection process at a higher rate than non-minority.

#### Solution:

1. All Affirmative Action offices make regular personal contacts with recruitment sources for minority, women, disabled and Vietnam era veteran applicants and provide local, statewide and national lists of special Affirmative Action recruitment sources to Personnel Offices and hiring agents. Copies of all job announcements are mailed to appropriate Affirmative Action recruitment sources and hiring departments are strongly encouraged to personally contact individuals and organizations listed.
2. All Affirmative Action Offices mail copies of vacancy announcements to previous, qualified minority applicants and to previous, qualified female applicants for positions in which they are underutilized.
3. Each selection process is carefully scrutinized by the hiring department and the Affirmative Action Office to assure that criteria which tend to

eliminate a disproportionate percentage of minority applicants are unquestionably job related and significant predictors of job performance.

- B. Problem: Salaries. It is extremely difficult to determine whether or not University salaries are equitable on the basis of race, ethnicity, and sex. At present, there are no generic job classifications and some job titles have several salary ranges which would indicate that responsibilities vary considerably among the positions. The University is in the process of revising and standardizing classification practices. In the meantime, superficial examination suggests that salaries are equitable on the basis of race and ethnicity but that salaries of women tend to cluster near the bottom of the pay range in many job classifications.

Solution:

In 1983 the University conducted a comprehensive employee salary equity review. All permanent employee categories were analyzed with a view towards answering three questions:

1. Do statistically significant salary differences exist between sexes and races for each EEO-6 category?
2. Could any of the statistically significant differences found be due partially to sex or race factors?
3. Which individuals should be considered for salary equity review?

Models were developed for each EEO job category to permit comparisons between an individual's actual and predicted (theoretical) salaries. The results of the comparisons indicated that either the salary was justified based on such factors as quality of experience or performance or that a salary adjustment was appropriate. Such adjustments were made immediately. The findings indicated that, although the average salary for females (males in the clerical category) was significantly lower than the average salary for males (females in the clerical category) in 6 out of 7 EEO job categories, the differences could be related to sex or race factors in only three categories, administrative, faculty, and professional.

It is expected that the University will perform the same study again in the near future - using a new set of employee data. As long as there exists statistical

evidence of salary inequity between races or sexes, adjustments may need to occur. This study will become an integral part of the Affirmative Action Program and will be replicated periodically to ensure that such inequities decrease in frequency.

- C. Problem: Terminations. It appears that Black, Hispanic, and Alaska Native/American Indian employees and Asian faculty tend to terminate at a higher rate than do White employees.

Solution:

Termination data are analyzed quarterly to determine whether a disproportionate number of minorities and women are leaving the institution. Exit interviews are conducted by the Affirmative Action Directors with each protected employee who terminates to determine reasons for termination. Any individual problems are resolved with appropriate executive personnel. If general, reoccurring problems are identified, special programs will be developed to correct practices which may be contributing to the termination of protected employees.

- D. Problem: Upward Mobility. The utilization analyses indicate that there are proportionately few women and minorities in mid to high level positions. At present, ladder rank promotional opportunities and training programs are limited.

Solution:

Departments are encouraged whenever possible to develop training programs and to increase upward mobility opportunities for women, minorities, and handicapped employees.

A computerized Human Resource Information System is presently being developed. When implemented (projected date-1987), the computerized system will help to identify each employee's potential training needs, and training opportunities. Additionally, promotion and transfer opportunities will be readily identified throughout the University system.

## V. Availability Analysis

Availability is an estimate of the proportion of white women and minorities (Black, Hispanic, Asian, and Alaskan Native/American Indian of both sexes) available for employment in a given job group (EEO-6 category). Availability is important because it indicates the level at which women

and minorities might be expected to participate in a given job group if employment decisions were made without considering race or sex. Availability estimates are a way of translating the concept of nondiscrimination into concrete numerical terms. Three factors determine availability.

A. Requirements of Federal, State and Regional Regulations

Revised Order 4, Technical Guidance Memo 1, and Revised Order 14 all refer to availability. Revised Order 4 states in 60.2.11 that Affirmative Action programs must contain "an analysis of all major job groups at the facility" and states in 60.2.11(b) (1) and (2) "In determining whether minorities or women are being underutilized in any job group, the contractor (University) will consider all of the following factors:

1. The minority population of the labor area surrounding the facility.
2. The availability of women seeking employment in the labor or recruitment area surrounding the facility.
3. The size of the minority and female unemployment force in the labor area surrounding the facility.
4. The percentage of the minority and female workforce as compared with the total workforce in the immediate labor area.
5. The general availability of minorities and women having requisite skills in the immediate labor area.
6. The availability of minorities and women having requisite skills in an area in which the contractor can reasonably recruit.
7. The availability of promotable and transferable minorities and women within the contractor's organization.
8. The existence of training institutions capable of training persons in the requisite skills in the labor area.
9. The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities and women."

B. Eight Factor Analysis of Availability

There are four major approaches to the problem of where to begin in making availability estimates.

1. Population Factor Approach

Some use the population factor as a beginning point for estimating availability, then entertain contractor arguments (based on other factors) indicating why the proportions indicated in the population figures do not accurately reflect the proportions of women and minorities actually available in given job groups. The advantage claimed for this approach is that it does not accept the historic effect of discrimination in its starting point (as the "requisite skills" approach may well do). Disadvantages are the beginning point of the analysis clearly includes many individuals who are not remotely available for employment, and population data do not recognize that different jobs require different skills. This approach is viable only for lower skill, entry-level jobs.

## 2. Requisite Skill Factor Approach

Some use the requisite skill factor as the starting point for estimating availability and then use other factors to revise and update this beginning proportion. The advantage claimed for this approach is that it starts with data that more accurately reflect persons actually available for specific jobs and job groups. Disadvantages are: the data have a conservative bias because one of the obvious historic effects of race and sex discrimination has been that women and minorities have been barred from certain jobs in the workforce and often from the workforce itself; large numbers of data sources supply information relevant to requisite skills, so problems of data comparability are frequently encountered; and this approach can be expensive in terms of time.

## 3. Available Raw Data Approach

Some simply attempt to gather the available raw data (not percentage data) on each required factor and use an unspecified calculus to combine the apparent indications of the data into a single number. The strength of this approach is that the starting place of the estimate is based on raw numbers rather than percentages. This makes it easier for the estimates to take account of a given factor in relation to another and to combine them to obtain a single proportion. The disadvantage of this approach is that it says little about how these raw numbers should be combined to yield a single availability for a given job group.

## 4. Availability Factor Computation Approach

The availability factor computation is a method of quantifying the eight factors and synthesizing them

into one availability factor for white women and one for minorities (i.e. separately for each ethnic/sex group) for each job group. In this approach, value weights are negotiated. Each raw percentage is weighted by a specific value factor between 1% and 100%. The weighting total value weight must equal 100% or 1.0. Factors are weighted based on their importance in regard to the job group.

- a. The values assigned in 1979 are as follows and were based upon discussions with the University of Alaska Statewide Affirmative Action Director, the Executive Assistant to the President and the Office of Federal Contract Compliance Programs.

FACTORS	WEIGHTS
Percentage of population in the specified labor or recruitment area.	.11
Percentage of unemployment in the specified labor or recruitment area.	.06
Percentage of minorities or females in the total work force in the specific labor area.	.11
Percentage of availability of minorities or females with the requisite skills in the specified labor area.	.20
The availability of minorities or females having requisite skills in an area in which the contractor can reasonably recruit.	.20
Percentage of minorities or females promotable and transferable within the contractor's organization.	.15
Estimate of existence of training institutions for the requisite skills required for minorities or females.	.10
Estimate of training efforts the contractor is reasonably able to undertake to make the job group available to minorities or females.	.07
	-----
	<u>1.00</u>
	-----

- b. The sources of information used to acquire the data

were:

Alaska Department of Labor, Research Analysis Section, for recruiting area.

Washington, D.C. SMSA, for recruiting area.

University of Alaska, Utilization Analyses.

Secondary school age population enrolled in business/vocational and secretarial curriculum in recruiting areas.

Postsecondary and vocational training institutions within recruiting area.

Summation of job applications at State of Alaska Job Service centers within recruiting area.

Calls to community skill banks especially those having high minority and female representation.

Calls to military bases regarding persons about to leave service and their skills; and dependents of those currently in service.

United States Department of Labor, 1980 census population.

Apprenticeship programs, state and federally funded.

U.S. Department of Commerce, Social and Economic Statistics Administration, Bureau of the Census.

U.S. Department of Labor, Women's Bureau.

Equal Employment Opportunity Commission, Office of Research.

State of Alaska, Employment Service Research and Statistics Section.

NAACP.

Chambers of Commerce within recruiting area.

Native Corporations in Alaska.

State of Alaska Unemployment Insurance offices.

Lawrence Berkley Lab data, Manpower packages.

Urban Leagues within recruiting areas.

"Image" (Group representing 90,000 Spanish speaking Americans).

American Association of University Women.

- c. In 1982, availability data were revised in consultation with the Anchorage Office of Federal Contract Compliance Programs. In preparing the revisions, data was obtained from the following sources in addition to those contacted in 1979.

1979/80/81 University of Alaska applicant flow data.

Availability statistics calculated in 1979/80.

Alaska Labor Market "Affirmative Action Programs 1981"

- Employment status by sex, race, 1979/80/81.
- Occupations of employed persons by sex, race, 1979.
- Last occupation of experienced unemployed by sex, race, 1979.
- Occupation of job applicants at job service centers by sex, race, March 1980.

Census, 1980.

Availability Data in Academic Professions and Related Occupations, 1978 by the University of Colorado, Boulder.

Statistics prepared by the National Research Council on Earned Doctorates, 1979-80.

Affirmative Action recruiting sources.

Cooperative Extension Service recruiting sources.

- d. Each year, a weighted formula is used to determine the composite availability for faculty (EEO-2) or for any other heterogeneous grouping, e.g., systemwide.

The following process is used for each of the 10 race/sex availability percentages: Each availability percentage is multiplied by the N (number of positions in that group). That sum is added to other like race/sex availability sums in the composite.

The resulting total is divided by the total

composite N. For example:

<u>EEO-2</u>	<u>Arts</u>	<u>Social Science</u>	<u>Voc-Tech</u>	
White Male	66.2% N=24	55.9% N=24	78% N=10	N = 58

$(66.2 \times 24 + 55.9 \times 24 + 78 \times 10) \div 58 = 64\%$  weighted availability

This process, which is completed each January, gives the most weight to the availability percentage with the largest N.

- e. Methodology for part-time permanent availability is the same as for full-time permanent but the values assigned are slightly different:

FACTORS	WEIGHTS
Percentage of population	.2
Percentage of unemployed	.2
Percentage of area workforce	.2
Percentage prerequisite skills available in area (50 miles)	.3
Percentage prerequisite skills available in area (75 miles)	.1
	<u><u>1.0</u></u>

The other three factors used in full-time permanent were not used for part-time since it was assumed that most students, upon completion of appropriate programs, seek full-time positions. Training efforts of the University are directed toward full-time employees and promotable employees seeking full-time positions.

- f. Temporary non-permanent availability is determined by weighting the finalized full-time permanent figures.
- g. Student availability is revised each year based on fall semester student enrollments. At a later date, graduate assistants and teaching assistants will be compared to academic discipline enrollments. However, the service categories are not viewed as training nor experience for positions

upon matriculation and thus it was felt that separate categories would not be pertinent.

## VI. Affirmative Action Progress

The term "goal", as used in this plan, refers to a numerical flexible objective established internally by an employer and, based on the availability of protected group members in the relevant labor force, indicates the extent of diligent, good faith efforts applied to the hiring and advancement of protected groups. Used as such, goals are an appropriate measure of Affirmative Action progress in achieving minority and female representation in the University workforce.

The goals used in this Plan are based on the availability of protected groups in the relevant labor market (see Section V.)

These employment goals represent a reasonable objective that the University seeks to achieve and reflect the University's commitment to a rate of hire at least equal to the availability in the labor force.

### A. Annual Affirmative Action Progress Report

The Affirmative Action Progress Report, found in the appendix, is a snapshot of the full-time permanent workforce by EEO-6 job category for the beginning and ending of a year. The data are compared and the net progress is recorded.

The progress is detailed in the final two columns:

Upper half - A plus number indicates an increase in the utilization of females (males in EEO-4 only) or minorities. A zero indicates no change in goals. A plus number indicates an increase in goals.

Lower half - A minus number indicates a decrease in goals for females/males or minorities. A zero indicates no change in goals. A plus number indicates an increase in goals.

See below for an example:

Progress	
Empl	
Goals	
F	Min
-1	+2
0	-3

This indicates that there was one less female in the workforce and two more minorities. Goals did not change for females but decreased by three for minorities.

B. Annual Goals Report

This Report, found in the appendix, contains a snapshot of the workforce by EEO-6 category for the beginning of a year. Underutilization is determined by comparing the utilization of females (males in EEO-4 only) and minorities to the availability. If females/males or minorities are not underutilized, the annual hire rate equals the availability. If females/males or minorities are underutilized, the annual hire rate is from 125% to 200% of the availability depending upon the projected number of vacancies and resulting time required to achieve parity. Annual goals are projected by multiplying the annual hire rate by the vacancies expected. The additional goals to parity are the remaining goals after the annual goals have been subtracted.

In many cases, if females/males and minorities were hired at the annual hire rate, all goals would be eliminated within one year.

C. Utilization Analyses and Goals to Parity

Utilization analyses, found in the appendix, are computed annually for all permanent, temporary and student employees and are recomputed for all permanent employees on a quarterly basis. A separate analysis is completed for each of the five major divisions of the University.

The utilization analyses indicate the number and percentage of White, Black, Hispanic, Asian and Alaska Native/American Indian men and women in each job category in the workforce. If any utilization percentage is less than the corresponding availability percentage, underutilization exists and goals are established for that specific group.

VII. Internal Audit and Reporting System to Monitor and Evaluate Affirmative Action Program Progress

A. Hiring Audit

The Recruiting Report, Applicant Flow Report, and Optional Form are used to monitor the hiring process as outlined in the Affirmative Action Regulations contained in Section I of this Plan.

B. Quarterly Progress Reports

A statewide monitoring system has been designed and implemented which measures the progress of the

Affirmative Action program toward its goals and objectives and reveals problem areas where remedial actions are necessary.

Each quarter the Statewide Affirmative Action staff receives raw data on the number of employees, hires, promotions/transfers, and terminations from the regional Affirmative Action offices. This data is verified and compiled into Affirmative Action Progress Reports which are sent to the Chancellors and the regional Human Resource/Personnel and Affirmative Action offices. The reports are also submitted to the Office of Federal Contract Compliance, United States Department of Labor to comply with Federal Regulations. Biannually, in June and December, a brief narrative summary of progress is also included. This summary identifies where progress has been made and where improvement is needed.

The reports are divided by EEO-6 Job Category, race and sex. Definitions of these categories follow.

EEO-6 job category:

EEO-1	=	Administrative
EEO-2	=	Faculty
EEO-3	=	Professional Non-Faculty
EEO-4	=	Clerical
EEO-5	=	Technician Para-Professional
EEO-6	=	Crafts and Trades
EEO-7	=	Service and Maintenance
All Job Categories	=	Total of EEO-1 through EEO-7

Race:

W	=	White
B	=	Black
H	=	Hispanic
A	=	Asian
AN/AI	=	Alaska Native/American Indian

Sex:

M	=	Male
F	=	Female

1. Cumulative and Quarterly Hiring Reports of all Applicant Pools

Applicants

EEO Category	Total	W		B		H		A		AN/AI	
		M	F	M	F	M	F	M	F	M	F
01	1	1									
02	570	289	252	3		4	1	3	1	4	13
03	52	15	33		1					2	1
04	198	2	175		1	1		1	2	4	12
05	50	27	15	2	1				1	2	2
06											
07	105	75	4			3		2	1	17	3
Total	976	409	479	5	3	8	1	6	5	29	31

Optional forms/sight identifications = 51% (496)

The above example only details the "applicant" half of the report. The "hire" half, which is not shown, is identical.

These reports identify the number of job applicants and hires by race and sex. A separate report is prepared for each type of hire, i.e. Full-Time Permanent, Part-Time Permanent, Temporary, Emergency, Student.

The number and percentage of applicants whose race and sex have been positively identified either through sight identifications or optional forms is noted.

Handicap hires are identified with an asterisk.

Quarterly reports are prepared each quarter and detail only that quarter's activity. Cumulative reports are prepared biannually, June and December, and detail all activity that has occurred thus far during the calendar year.

2. Cumulative Affirmative Action Progress Report of the Full-Time Permanent Workforce

All EEO Categories

EMPLOYEE GROUP	MARCH					JUNE				
	COMP <sub>4</sub>	HIRES <sub>1</sub>	TRANS <sub>2</sub>	TERM <sub>3</sub>	GOAL <sub>5</sub>	COMP	HIRES	TRANS	TERM	GOAL
TOTAL	238	28		9	28	238	19	+1	19	30
TOTAL MALE	106	16		4	10	105	7	+1	8	10
TOTAL FEMALE	132	12		5	18	133	12		11	20
MALE-WHITE	94	12		3		93	7*	+1	8	
MALE-BLACK	2	2			5	2				5
MALE-HISPANIC	1			1	1	1				1
MALE-ASIAN	5	1			3	5				3
MALE-AI/AN	4	1			1	4				1
FEMALE-WHITE	106	9		5	9	109	10		7	9
FEMALE-BLACK	6	1			4	6	1		1	4
FEMALE-HISPANIC	4				3	4				3
FEMALE-ASIAN	4	2			1	3			1	2
FEMALE-AI/AN	12				1	11	1		2	2

This report enumerates the changes that occur in the Full-Time Permanent workforce by quarter.

The hires<sup>1</sup>, transfers/promotions<sup>2</sup> (trans), and terminations<sup>3</sup> (term) are detailed by race and sex. The composition<sup>4</sup> (comp) of the workforce lists the number of employees. Data from quarter to quarter must agree, i.e. March's composition +/- June's hires, transfers/promotions and terminations = June's composition.\*

The goals to parity<sup>5</sup> (goal) are determined by comparing the workforce composition with the corresponding availability of each race and sex group in the geographical area. If the composition of a particular race/sex group is less than the availability of that group, underutilization exists and a numerical goal is established. Affirmative Action progress can be ascertained by comparing the number of goals from quarter to quarter. Progress is made when the number of goals decreases; no progress is made when the number of goals increases.

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\* Exception = In-house hires, which includes promotions and transfers, are noted with an asterisk and do not increase the composition.

3. Cumulative Applicant Flow Report of the Full-Time Permanent Job Applicant Pool

Race/Sex	Applicants <sup>1</sup>		Hires <sup>2</sup>		Selection <sup>3</sup>	Impact <sup>4</sup>	Goals <sup>5</sup>
	#	%	#	%	Ratio	Ratio	#
EEO-7 Service	293	100	7	100			24
White	103	35	5	71	0.05		8
Black	52	18	2	29	0.04	0.79	3
Hispanic	21	7	0	0	0.00	0.00	2
Asian	115	39	0	0	0.00	0.00**	
AN/AI	2	1	0	0	0.00	0.00*	11
White	103	35	5	71	0.05		8
Minority	190	65	2	29	0.01	0.22**	16
Male	201	69	3	43	0.01	0.34**	6
Female	92	31	4	57	0.04		18

\*No impact; insufficient applicants

\*\*Impact created by high selection ratio of another group with higher employment goals and, therefore, impact is not significant

This report compares the number of applicants<sup>1</sup> for full-time permanent positions to the number of full-time permanent hires<sup>2</sup> for each race and sex group and then computes the selection ratio for each group.

The selection ratio<sup>3</sup> is the percentage of applicants in each race and sex group that were hired. A high ratio indicates that a large percentage of applicants in that group were hired. In the above example, there are 2 Black hires out of a group of 52 Black applicants. The selection ratio is .04 or 4%. A selection rate of .00 (see Hispanics above) indicates there were no hires from that particular applicant group.

The impact ratio<sup>4</sup> compares each protected race and sex group to the non-protected group within an EEO-6 Job category. When a protected group's selection ratio is 4/5 or less the selection ratio of the non-protected group, the impact ratio is .81 or lower and is considered, according to Federal Regulations adverse. The lower the impact ratio, the more severe the impact. Adverse selection impact is particularly significant when the protected group also has hiring goals<sup>5</sup>. In the above example, there was adverse selection impact on Blacks and Hispanics.

Sometimes, however, impact ratios below .81 are not considered to be significant. When this occurs, it is noted with an asterisk and explained. In the above example, males have an impact ratio of .34. This impact is not significant, however, because it was created by the high selection ratio of females for whom the University has higher hiring goals than males.

### VIII. Grievance Procedures

All employees and students have access to a grievance mechanism for the purpose of resolving complaints within the University system. Employees and students are encouraged to attempt to resolve grievances through informal means by utilizing the established chain of authority to discuss problems with appropriate supervisors or professors. Students and employees are at all times free to consult the AA Director for advice and direction concerning their rights and the available grievance mechanisms. All complainants are advised of their rights to file an informal complaint with the AA Director, to file a formal complaint with the Grievance Council, or to seek redress of the grievance with the appropriate state and federal agencies.

Employees or students who choose to exercise their right to redress of grievances, whether within the University or with the appropriate state or federal agency, will be free from reprisal, reprimand, or harassment of any kind related to the exercising of those rights.

PART IV  
PERSONNEL  
CHAPTER IV  
GRIEVANCE PROCEDURE

Grievance Procedure

04.04.01

A. Purpose of Grievance Procedure

The purpose of this policy is to provide an orderly method of handling and disposing of the complaints and grievances between employees, students and the University of Alaska.

Employees and students are encouraged to resolve grievances informally through the appropriate administrative channels.

B. University Centers Councils

A local Grievance Council shall be established for each University center of the University served by a local Assembly. The local Grievance Council shall consist of five members elected by the appropriate local Assembly and three members appointed by the appropriate Chancellor and be composed of representatives from the faculty, student body, classified employees, and administrative/professional/technical staff.

Employees of the statewide administration shall have their grievances heard by the local Grievance Council nearest to their assigned work location.

C. CCREE Grievance Councils

A grievance Council shall be established by the CCREE Chamber. It shall consist of two members chosen by the Chamber and one member chosen by the Chancellor. This Council shall subsequently appoint and advise five member councils to hear each grievance as it arises. The members shall be composed of representatives, wherever possible, from the faculty, student body, classified employees, and administrative/professional/technical staff.

D. Settlement of Grievances without Hearing

The local Grievance Council shall seek informal resolution of the grievance.

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04.04.01

#### E. Filing and Hearing Grievance

If the grievance is not resolved informally by the responsible administrator, the grievant may elect to file a grievance in writing to the Council. The local Grievance Council shall cause a copy of the written complaint to be forwarded to the University Counsel for purposes of preparing statistical information.

The local Grievance Council shall recommend dismissal or conduct a hearing within 30 days of the filing of the grievance with the Council. The Council will recommend dismissal of a grievance if after preliminary investigation, it decides that no reasonable likelihood exists that there has been a violation, misinterpretation or misapplication of policy or regulation applicable to the University of Alaska, or an abuse of discretion. The hearing shall be in accord with uniform regulations. If the local Grievance Council fails to fully hear the matter within 30 days of the filing of the grievance in writing, the matter shall be heard by the President as if on appeal. In such cases, the University's expenses and costs shall be paid from the originating chancellor's unit. The parties may, by mutual agreement, extend the 30 day limitation by up to an additional 60 days.

#### F. Decision by the Chancellor

The local Grievance Council shall make its recommendations to the Chancellor who shall render a decision. The Chancellor's decision may be appealed, by any of the parties at interest, to the President. The Chancellor shall provide a copy of the decision to the University Counsel.

#### G. Appeals

On appeal the President may: affirm the decision and order of the Chancellor; reverse the decision and order; return the matter to the local Grievance Council for the taking of further evidence as to points specified by the President; return the matter to the Chancellor for clarification of the decision and order; or by himself or through a designee, take such further evidence and further proceedings as may be convenient to the full disposition of the matter.

Upon remand the local Grievance Council may, after the taking of further testimony, either affirm, reverse, or modify its previous recommendation, and the Chancellor may either affirm, reverse, or modify his previous findings and conclusions.

The President's decision will be made within 30 calendar days from the date the matter is appealed to the President. The parties may, by mutual agreement, extend the 30 day limitation by up to 30 additional days. The decision of the President shall be final.

#### H. Confidentiality

The records of a grievance are confidential, except for the recommendation of the Grievance Council and the final decision.

I. Reprisal Prohibited

No aggrieved or witness may be subjected to harassment, reprisal or retaliation for filing a grievance or testifying at a hearing.

J. Other Forums and Procedures

The hearing and remedies provided through this procedure shall be the sole and exclusive remedy within the University of Alaska, except that no grievance may be heard by the local Grievance Council if a procedure applicable to a collective bargaining unit provides a remedy for the grievance.

K. Exhaustion of Remedies

No person shall be deemed to have exhausted his/her remedies as to any grievance unless the grievance has first been heard and appeal taken and exhausted under this grievance policy.

PART IV  
PERSONNEL  
CHAPTER IV  
GRIEVANCE PROCEDURE

Grievance Procedure

04.04.01

A. Scope of Grievance Procedure

If a student or employee has a question, problem, charge or complaint arising from conditions, practices, working relationships, decisions, actions or inactions by the University of Alaska or by its employees, the aggrieved is required to attempt to resolve the grievance with the appropriate administrators (supervisor through director or dean) prior to filing for relief with a Grievance Council.

B. Assistance in Processing Grievances

Parties to a grievance are encouraged to seek information and assistance from their personnel office and from members of the local Grievance Council. Persons with grievances concerning their equal opportunity rights are also encouraged to seek information and assistance from their EEO/AA Officer.

C. Filing Grievances

If the grievance is not resolved by an administrator to the satisfaction of the aggrieved, the grievant may file a sealed written complaint addressed to the local Grievance Council with the local Personnel Office. The local Personnel Office shall forward the sealed complaint to the local Grievance Committee, and the local Grievance Council shall forward a copy of the complaint to the University Counsel. Current members of each local Grievance Council are to be listed in each local personnel office. Complaints shall include the names and business addresses of all known individuals whose activities have given rise to the grievance, and shall state the complaint with sufficient clarity to enable the parties to understand the issues presented.

D. Preliminary Investigation

The Council Chairman may designate a member of the Council to investigate the complaint and prepare a file containing information pertinent to the complaint.

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### E. Dismissal of Complaints

If the Council recommends dismissal of the complaint, it shall make its recommendations known to the appropriate Chancellor in writing, and the Chancellor shall render a decision and inform the grievant. (The President shall be substituted for Chancellor in cases of grievances being filed by statewide employees.) A dismissal shall be appealable.

### F. Conduct of Hearings

At the hearing at the Chancellor level, each party shall have these rights: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examinations; to request that the hearing be closed to the public, to impeach any witness regardless of which party called him/her to testify; and to rebut the evidence against him/her. If a party does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination. The parties may be advised by legal counsel, but legal counsel may not make formal appearance, nor speak or ask questions in a party's behalf. If the grievant is unable to effectively present his/her own case, for reasons acceptable in the discretion of the Grievance Council, the grievant may choose to have his/her case presented by another person, who shall not be a lawyer.

Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence or scandalous evidence shall be excluded. The local Grievance Council shall rule on all matters of evidence and procedure in their discretion giving special weight to the need for speedy resolution of the grievance, the desirability of keeping the proceedings as simple and informal as possible, and the interests of justice and fairness. Continuances or further hearings are not favored. Parties with rights affected by the same issues may be joined in the same hearing if possible; all related grievances by one person shall be heard in the same hearing, if possible. A grievance may be settled at any time.

### G. Council Recommendations

The Council will submit a report of its deliberations and recommendations to the Chancellor within five (5) working days of the conclusion of the hearing. (The President shall be substituted for Chancellor in cases of grievances by statewide employees.) The report will include:

1. A copy of the grievant's written complaint, and a supplemental statement of issues by the Council, if necessary.
2. A summary of facts determined by the Council through its investigation and hearing.
3. The recommendation as to whether the Chancellor should find that there was a violation, misinterpretation or misapplication of university policies and regulations, or an abuse of discretion.
4. Recommendation, if any, concerning possible action to be taken.

#### H. Chancellor's Decision

The Chancellor will inform the grievant and other parties at interest of the Council's findings, and the Chancellor shall render a written decision within ten (10) working days; copies of the Chancellor's decision shall be given to the grievant, and the other parties at interest, and to the University Counsel. The decision of the Chancellor shall be final unless appealed to the President by any party.

#### I. Appeals

Appeals to the President must be taken within fifteen (15) working days after the written decision of the Chancellor is given. A decision not appealed within the time limits provided shall be considered accepted by the parties as a satisfactory settlement of the matter. The appeal to the President shall be upon the record as made before the Council. Hearings conducted by the President or designee shall be conducted as provided for hearings before the local Grievance Council.

The decision of the President shall be final.

#### J. Reports to Local Assembly

An annual, abridged summary of types of grievances heard or resolved without hearing, together with recommended policy or regulation actions, if any, will be submitted to the local Assembly by the local Grievance Committee. No identification of parties involved will be made.

#### K. Grievance Flow Chart

By way of illustration of the grievance procedure, refer to the following flow chart:



## IX. Sex Discrimination Guidelines

In addition to those items discussed in previous sections of this Plan, the affirmative action program for women includes, but is not limited to, the following:

### A. Recruitment

The University recruits applicants of both sexes for all jobs unless sex is a bona fide occupational qualification. Affirmative efforts are made to recruit women for jobs where they have been previously underrepresented.

### B. Job Policies and Practices

The University does not discriminate against applicants for employment or against employees on the basis of sex, unless sex is a bona fide occupational qualification. Employment opportunities, salaries, retirement, age and fringe benefits are all administered without regard to sex. Marital status and parenthood are not employment considerations. Pregnancy is treated as any other physical disability for purposes of leave time and insurance coverage.

As described in Section IV of this Plan, salaries are reviewed to determine equity on the basis of sex. Any inequities discovered are corrected through appropriate salary adjustments. Administrators are encouraged to establish training programs to afford employees greater opportunity for upward mobility. Concerted efforts are made to include women in these programs.

## C. Sexual Harassment Policy and Regulations

REGENTS' POLICY

04.10.01

### PART IV PERSONNEL CHAPTER X SEXUAL HARASSMENT

#### Introduction

04.10.01

Sexual harassment is a form of employee or student misconduct which undermines the integrity of the working and learning environment. All members of the University community should be able to work and learn in an environment free from conduct or behavior of a sexual nature commonly understood by persons of average sensibilities as being inherently harmful or offensive. As a matter of policy, the University of Alaska seeks to prevent sexual harassment of its employees, students and applicants for employment or admission.

It is understood that individuals possess different perceptions and cultural backgrounds which may make it more difficult for some to recognize certain conduct or behavior as being a form of sexual harassment. Similarly, some individuals may be unreasonably sensitive to certain conduct or behavior of a sexual nature which would not be commonly understood by persons of average sensibilities as being inherently harmful or offensive.

Given the substantial possibilities for simple misunderstandings, as well as the potential harm to innocent parties who may be subjected to false or malicious claims of sexual harassment, the University administration shall promulgate appropriate regulations for the investigation and resolution of sexual harassment complaints, including a mandatory requirement that aggrieved parties must participate in informal and confidential resolution efforts before they may resort to the established grievance procedure.

#### Definition

04.10.02

- A. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

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04.10.02

REGENT'S POLICY

04.10.02

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
  2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
  3. Such conduct has the purpose or necessary effect of unreasonably interfering with an individual's work or academic performance or creating a hostile, intimidating or offensive working or learning environment; and
  4. Such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or
  5. A person of average sensibilities would clearly have understood that the behavior or conduct was unwelcome, harmful or offensive.
- B. The term "reasonable persons of average sensibilities" is a stock phrase in law used to establish community standards of normal perceptions of behavior.
- C. The terms "working environment" and "learning environment" shall be defined in University Regulation 04.10.01.

Academic Freedom

04.10.03

Nothing contained in this policy shall be construed to limit or abridge any person's right to free speech or to infringe the academic freedom of any member of the University community.

PART IV  
PERSONNEL  
CHAPTER X  
SEXUAL HARASSMENT

A. Policy Restated

04.10.01

Sexual harassment is a form of employee or student misconduct which undermines the integrity of the working and learning environment. Civil rights enforcement agencies also consider sexual harassment to be a special form of sex discrimination in violation of various state and federal civil rights laws. As a matter of policy, the University of Alaska seeks to prevent sexual harassment of its employees, students and applicants for employment or admission.

B. Rights and Responsibilities

In order to preserve the rights of all members of the University community to work, live and learn in an environment free from sexual harassment and, also, to protect the legitimate privacy interests of innocent parties, the University provides a special forum for the informal and confidential resolution of sexual harassment complaints. All parties must exhaust the informal remedies described herein before they resort to the established formal grievance procedure. In addition, the parties have the following special responsibilities:

1. The University administration is responsible for promoting a positive working and learning environment where all persons are free to discuss any problems or questions they may have concerning sexual harassment at the University, without fear of intimidation or reprisal. To that end, the University administration shall widely disseminate these regulations and the policy prohibiting sexual harassment so that all members of the University community are fully informed of their rights and responsibilities.
2. Supervisors are responsible for maintaining a positive working and learning environment, setting a good example for others and promptly investigating all complaints of sexual harassment to determine what, if any, remedial action may be warranted. In resolving sexual harassment complaints, supervisors should seek advice and guidance from the affirmative action officers and cooperate fully with their efforts to resolve any complaints referred to the affirmative action officers by other parties. Supervisors should strive

first and foremost to prevent any recurrence of prohibited activities or retaliation against victims.

3. An aggrieved party should try to tell the aggressor directly that his or her behavior is unwelcome, harmful or offensive to the aggrieved party. (Some offenders may be genuinely oblivious to the effect of their words or conduct on other people and would be willing to change if only they knew they were hurting or offending someone.) In addition, aggrieved parties are strongly encouraged to report the incident to some responsible University official, preferably the affirmative action officer or the offender's supervisor, so as to minimize the risk of repeat incidents or retaliation by the aggressor. Aggrieved parties must make reasonable, good faith efforts to resolve their complaints on an informal basis before they resort to the formal grievance process.
4. The affirmative action officers have the authority and the responsibility to investigate all sexual harassment complaints and should strive to facilitate the informal resolution of any complaints brought to their attention. Upon request, the affirmative action officers will provide counseling and support to victims, supervisors and other interested parties. Affirmative action officers shall also serve as expert advisors to the grievance councils. In this capacity, they shall offer their best professional judgment as to whether certain allegations, if true, would constitute sexual harassment.
5. The grievance council shall first determine whether an aggrieved party has made reasonable, good faith efforts to exhaust the special, informal remedies available to sexual harassment victims under these regulations. If the council determines that the aggrieved party has not made reasonable, good faith efforts to resolve his or her complaint on an informal basis, it shall recommend withdrawal or dismissal of the charges. If the council determines that the aggrieved party has satisfied his or her responsibilities to attempt informal resolution or if the council determines that such efforts would have been futile under the circumstances of a particular case, it shall proceed to consider the merits of the complaint. Absent compelling reasons to the contrary, the grievance councils shall give substantial weight to the expert advice of their affirmative action officers regarding the substance of sexual harassment complaints.

## C. Definitions

1. "Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:
  - a.
    - 1.) Submission to said conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
    - 2.) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
    - 3.) Such conduct has the purpose or necessary effect of unreasonably interfering with an individual's work or academic performance or creating a hostile, intimidating or offensive working or learning environment; AND
  - b.
    - 1.) Such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or
    - 2.) A person of average sensibilities would clearly have understood that the behavior or conduct was unwelcome, harmful or offensive.
2. "Learning environment" is defined as the premises of the University of Alaska Statewide System or any site where educational programs and activities are conducted in the name of the University of Alaska or any unit thereof including, but not limited to, classrooms, libraries, campus grounds and student and employee living quarters.
3. "Working environment" is defined as any place where the business of the University is conducted in the name of the University of Alaska or any unit thereof.

## D. Guidelines

The following guidelines are offered to help investigators (i.e., responsible supervisors and affirmative action officers) determine what constitutes sexual harassment and how to deal with related complaints.

1. Persons who commit sexual harassment are a small minority of individuals who are uniquely situated to have pervasive influence over many potential victims. In this regard, it is

said that sexual harassment is a crime committed by the few against the many.

2. Investigators should make every reasonable effort to preserve the confidentiality of their informal investigation and resolution efforts since complaints of sexual harassment can have a devastating effect on all parties.
3. Even though offenders and victims are typically in some sort of superior/subordinate relationship to one another, investigators should be aware that the balance of power can be shifted the other way. For example, a student could gain substantial power over a faculty member by granting sexual favors in exchange for good grades and a promise to keep silent about the affair. In the final analysis, aggrieved parties and offenders can be anyone of the same or opposite gender.
4. Sexual relationships between consenting adults do not constitute sexual harassment. These relationships may give rise to legitimate claims by others of unprofessional conduct or conflict of interest and should be treated accordingly. Similarly, jilted lovers who try to force their affections on others may be guilty of ordinary harassment, even though they frequently view themselves as the "real" victims and not as the aggressors.
5. In determining whether or what disciplinary action may be warranted in any given case, investigators should give due regard for the cultural backgrounds of the alleged offenders and the victims alike. What may be a friendly or polite gesture in one society may constitute solicitation or consent in another.
6. Anonymous complaints shall not be accepted for investigation under these regulations. Since alleged offenders are entitled to know the identity of their accusers whenever formal disciplinary action may be contemplated, investigators cannot guarantee anonymity to complaining parties or witnesses. They should, however, make every reasonable effort to protect the legitimate privacy interests of all concerned parties.
7. All persons have the legal right to oppose and voice complaints about any University practices which they reasonably believe constitute sexual harassment. Therefore, no University official may take disciplinary or other adverse action against any person who genuinely but mistakenly believes him or herself to be aggrieved, even if the

practices complained of do not, in fact, constitute sexual harassment.

8. Complainants cannot expect to gain immunity from normal disciplinary rules and procedures simply by filing sexual harassment complaints against others.

#### E. Resolution Procedures

1. Any member of the University community or applicant for employment or admission who, in good faith, believes that he or she may be a victim of sexual harassment should (1) immediately ask the alleged offender to stop doing the unwelcome, harmful or offensive conduct AND/OR (2) promptly contact the affirmative action officer or a responsible supervisor for support and guidance. Successful resolution efforts will be greatly facilitated by the timely reporting of complaints. The more time that elapses, the more difficult it will be to ascertain the truth of the matter and take appropriate remedial action.
2. The affirmative action officer or responsible supervisor will promptly investigate the complaint and attempt to mediate an appropriate resolution by conferring with all concerned parties.
3. Should these informal resolution efforts fail to achieve satisfactory results within a reasonable period of time, the aggrieved party may thereafter file a formal grievance pursuant to University Policy and Regulation 04.04.01.
4. The grievance council will promptly investigate the complaint to determine whether the parties have exhausted the informal resolution process described in these regulations. If so, the grievance council shall then solicit the expert advice of the affirmative action officer as to whether the allegations, if true, would constitute sexual harassment.
5. The affirmative action officer will advise the grievance council regarding the substance of the formal charges.

#### F. Remedial Action

In determining what remedial action may be appropriate, supervisors should consider the extent to which the offender knew or reasonably should have known that his or her conduct was unwelcome, harmful or offensive. Any person who (1) commits sexual harassment, or (2) shirks his or her investigatory or

supervisory responsibilities, or (3) provides false witness against another, shall be subject to appropriate disciplinary action including, but not limited to, referral to professional counseling, oral and written reprimands, probation, suspension or termination. Some coercive behavior, such as threats or promises that academic or employment reprisals or rewards will follow the refusal or granting of sexual favors, constitutes gross misconduct and may provide just cause for immediate termination.

#### G. Training

The statewide affirmative action officer, through the MAU affirmative action officers, is responsible for providing training to all University employees concerning sexual harassment issues and procedures. The training programs should be designed to:

1. Sensitize employees to the rights and responsibilities of all concerned parties;
2. Provide supervisors and administrators with current information on applicable laws, rules, regulations and procedures; and
3. Demonstrate appropriate techniques for the careful investigation and mediation of sexual harassment allegations.

#### H. Dissemination

The University administration shall make every reasonable effort to inform all members of the University community regarding the proper procedures and persons responsible for handling sexual harassment complaints. In particular, this information should be communicated to all new employees as an integral part of their orientation experience.

## X. National Origin and Religious Guidelines

The University of Alaska does not discriminate on the basis of national origin or religion in employment, promotion, transfer, recruitment, termination, compensation, or training programs. Affirmative efforts are made to employ persons from a wide spectrum of national origins and religions, especially in administrative and middle management positions.

The University makes every reasonable accommodation to employees' religious practices unless business necessity, financial cost, and/or resulting personnel problems create an undue hardship on the conduct of business.

Policy concerning equal opportunity without regard to national origin and religion is disseminated and monitored as described in previous sections of this Plan. The policy covers members of all religions and national origins with primary emphasis directed towards Jews, Catholics, Italians, Greeks, Slavic groups, and persons of Eastern, Middle and Southern European ancestry. Blacks, Hispanics, Asians and Alaska Natives/American Indians are covered in other sections of this Plan.

## XI. Affirmative Action for the Handicapped

The University of Alaska recognizes and reaffirms its responsibility to provide educational and employment opportunities for qualified individuals with physical, sensory, or mental handicaps and to eliminate any employment or educational discrimination against such individuals. To this degree, the University includes the disabled within its Affirmative Action Policy and Plan. However, realizing that the nature of an affirmative action program for the disabled has a number of special requirements not normally associated with the employment or education of other protected groups, the unique aspects of the program for the disabled are addressed in this section. In addition to those items discussed in previous sections of this Plan, the affirmative action program for the disabled includes, but is not limited to, the following:

- A. The University, pursuant to federal law, recognizes the definition of handicapped individuals as persons with physical, mental or sensory impairments that substantially prevent that individual from obtaining and/or continuing permanent employment and/or educational opportunities. Thus, qualified handicapped persons are individuals capable of performing a job or pursuing a course of study, with reasonable accommodations, at an

acceptable level of performance expected of non-disabled employees or students.

- B. The University will take positive, affirmative actions to employ and advance in employment qualified handicapped individuals. Such actions include but are not limited to, identifying disabled employees, determining the availability of promotable and transferrable disabled employees with skills beyond their present positions, identifying barriers to employment within the University, and taking remedial action where reasonable and necessary.
- C. Outreach and positive recruitment includes:
  - 1. Internal communication of the University's policy on affirmative action for the handicapped.
  - 2. Enlistment of the assistance and support of all recruitment sources, in an effort to facilitate the University's efforts to employ the disabled.
  - 3. Frequent interaction with appropriate social service organizations and vocational rehabilitation agencies in order to obtain advice, technical assistance, and employment referrals.
- D. Accommodation to the physical and mental limitations of the disabled:
  - 1. The University will make reasonable accommodations to the physical, mental, and sensory limitations of otherwise qualified employees and students. Such accommodations may take the form of job restructuring, acquiring or modifying equipment, devices, or aids, rescheduling of classroom locations, and modifying course requirements.
  - 2. The extent of the accommodations will be determined by business necessity and financial cost. An ongoing evaluation of the need for structural changes such as wheelchair ramps, curb cuts, lowering of elevator control panels, enlarging of restroom facilities, and the remodeling of buildings is being conducted in cooperation with the Office of Facilities Planning and Construction.
- E. A Self Evaluation Study of structural and program barriers to the handicapped was conducted on each campus and reports outlining recommended changes were submitted to the Office of the President. The Self Evaluation Study includes:
  - 1. Campus-by-campus surveys which identify the degree

of building accessibility and the number and types of disabled persons to be accommodated.

2. Priorities for removal of structural barriers.
3. Plans for major remodeling and renovating projects, as well as plans for new buildings, to ensure compliance.
4. Recommendations to prepare building and campus accessibility guides which identify wheelchair routes, reserved parking, and other structural and program-related accommodations.
5. Reviews of academic programs and policies, extra-curricular activities, support programs, employment practices, and other procedures, policies and practices to promote accessibility to employment, academic and extracurricular programs.

F. Other Requirements:

1. Physical and mental job qualifications are routinely reviewed to assure that all qualifications which tend to screen out handicapped individuals are specifically related to job performance, consistent with business necessity, supported by job safety, and required of all applicants and employees.
2. Records are maintained for each employment vacancy and for each promotion for which a disabled individual was considered. Specific job related reasons for rejection of a disabled person are stated.
3. Information concerning an applicant's or an employee's physical or mental condition are kept confidential.
4. Records of accommodations made for individual disabled employees and students are maintained along with the more general alterations and accommodations made.
5. In offering employment or promotion to disabled individuals, the University does not reduce the amount of compensation offered because of any disability income, pension, or other benefits the employee or student receives from any other source.
6. Personnel procedures are reviewed and, if necessary, modified to assure that qualifications of handicapped applicants and employees are

thoroughly and systematically evaluated for hiring, promotion, transfer, and training opportunities.

7. Any employee or student who believes that he/she has been unlawfully discriminated against because of a physical, mental or sensory handicap may contact the Affirmative Action Office for initial advice and informal resolution. If informal resolution is not possible, the complainant will be directed to the appropriate grievance mechanism within the University of Alaska, and will be advised of the right to redress the grievance with appropriate state or federal agencies and to be free from harassment or reprisal as a result of exercising his/her right to file a complaint.

## XII. Vietnam Era and Disabled Veterans

In addition to those items discussed in previous sections of this Plan, the affirmative action program for disabled veterans and veterans of the Vietnam era, includes, but is not limited to, the following:

- A. The University, pursuant to federal law, recognizes the definition of a disabled veteran as a person entitled to disability compensation at 30 per centum or more from the Veterans Administration or a person discharged from active duty because of a disability incurred or aggravated in the line of duty. The University further recognizes the definition of a Vietnam era veteran as a person who served on active duty for 180 days or more, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged within 48 months of the alleged violation of the Vietnam Era Veterans' Readjustment Assistance Act.
- B. The University takes positive affirmative action to employ and advance in employment qualified disabled veterans and Vietnam era veterans. Such actions include, but are not limited to, identifying employees who are disabled veterans or veterans of the Vietnam era, determining the availability of those who are promotable, transferrable or could benefit from training programs, identifying barriers to employment within the University and taking remedial action where reasonable and necessary.
- C. Hiring agents and supervisors consider only that portion of the military record, including discharge, which is related to the job for which the veteran is being considered.

- D. Personnel procedures are reviewed and modified, if necessary, to assure that qualifications of disabled veteran and Vietnam era veteran applicants and employees are thoroughly and systematically evaluated for hiring, promotion, transfer and training opportunities.
- E. Information concerning an applicant's or employee's physical or mental condition is kept confidential.
- F. Accommodation to the physical and mental limitation of the disabled veteran:
  - 1. The University makes reasonable accommodations to the physical, mental, and sensory limitations of otherwise qualified employees and students. Such accommodations may take the form of job restructuring, acquiring or modifying equipment, devices or aids, rescheduling classroom locations, and modifying of course requirements.
  - 2. The extent of the accommodations are determined by business necessity and financial cost. An ongoing evaluation of the need for structural changes such as wheelchair ramps, curb cuts, lowering of elevator control panels, enlarging of restroom facilities, and the remodeling of buildings is conducted in cooperation with the Office of Facilities Planning and Construction.
- G. In offering employment or promotion to disabled veterans, the University does not reduce the amount of compensation offered because of any disability income, pension, or other benefits the employee receives from any other source.
- H. Outreach and positive recruitment includes:
  - 1. Internal communication of the University's policy on affirmative action for disabled veterans and veterans of the Vietnam era.
  - 2. Enlistment of the assistance and support of recruitment sources, Job Service, veterans agencies and organizations in an effort to employ disabled veterans and veterans of the Vietnam era.
  - 3. Frequent interaction with the Veterans' Administration Regional Office, local Veterans' Employment Representative in the State Employment Office, Office of National Alliance of Businessmen, veteran representative on college campuses, and local veterans' groups and service organizations in order to obtain advice, technical assistance, and

employment referrals.

- I. Any employee who believes that he/she has been discriminated against because of status as a disabled or Vietnam era veteran may contact the Affirmative Action Office for initial advice and informal resolution. If informal resolution is not possible, the complainant is directed to the appropriate grievance mechanism within the University of Alaska, and is advised of the right to redress the grievance with appropriate state or federal agencies and to be free from harassment as a result of exercising his/her right to file a complaint.

XIII. Support of Local and National Community Activities and Establishment of In-House Training Programs

The University continues to support local, state and national community action and service programs designed to improve the employment and educational opportunities of women, minorities, handicapped persons and Vietnam Era veterans. Various on-the-job apprenticeship, in-service, and professional development training programs will be explored in order to facilitate upward mobility of employees, potential employees, and students at all levels of the University. A listing of local, state and national outreach organizations can be found in the appendix.

XIV. APPENDIX

A. University of Alaska, Anchorage

Workforce Analyses  
Annual Affirmative Action Progress Report and Annual  
Goals  
Utilization Analyses and Goals

B. Community Colleges, Rural Education and Extensions

Workforce Analyses  
Annual Affirmative Action Progress Report and Annual  
Goals  
Utilization Analyses and Goals

C. University of Alaska, Fairbanks

Workforce Analyses  
Annual Affirmative Action Progress Report and Annual  
Goals  
Utilization Analyses and Goals

D. University of Alaska, Juneau

Workforce Analyses  
Annual Affirmative Action Progress Report and Annual  
Goals  
Utilization Analyses and Goals

E. Statewide Administration

Workforce Analyses  
Annual Affirmative Action Progress Report and Annual  
Goals  
Utilization Analyses and Goals

F. Recruitment List

National  
Alaska State

REGENTS' POLICY

10.06.01

## D R A F T

## PART X

## ACADEMIC POLICY

## CHAPTER VI

## Sex Equity in Educational Programs

Statement of Intent

10.06.01

In order fully to educate and utilize the talents of Alaskan women and men, both must be encouraged to pursue areas of study based solely upon ability and interest in an academic environment free from restrictive sex bias. Recognizing the effects of sex role stereotypes in our society, special efforts must be made to inform women of career opportunities in traditionally masculine fields and men of opportunities in fields traditionally considered feminine.

Action Steps

10.06.02

To ensure that women and men students are provided a learning environment in which they may develop fully their potential the University will:

1. Maintain a learning climate, free of sex bias, equally accepting of and rewarding to women and men students.
2. Regularly inform faculty, staff and students on the meaning and implementation of this policy.
3. Increase faculty awareness concerning sex equity in the learning environment for all faculty as appropriate.
4. Designate individuals and/or groups to committees -- including women and minority students -- to perform those functions which will enhance sex equity in the learning environment at the University of Alaska.

## REGULATIONS

04.01.15

PART IV  
PERSONNEL  
CHAPTER I  
EMPLOYMENT

Affirmative Action/Equal Opportunity 04.01.15

In order to assure that all persons have equal employment opportunities at the University of Alaska based solely upon their qualifications and ability or potential ability and that affirmative efforts are made to recruit and employ qualified members of those groups presently underrepresented, employment at the University shall be governed as follows:

- A. Recruitment Process. Recruitment is a process undertaken by hiring authorities to contact applicants for employment. Additionally, each hiring authority has a responsibility to target recruit "protected" applicants and to:
1. Contact the designated Affirmative Action Officer (AAO) whenever there is a reasonable possibility that a vacancy will occur. In order to avoid delay in hiring, anticipated vacancies may be announced if identified as anticipated. The AAO and the Office of Human Resource Development (OHRD) will assist the hiring authority in conducting an efficient, well-documented hiring process.
  2. Appoint a search/screen committee of three or more persons if appropriate. A committee is highly recommended but not mandatory. Membership should include women and minorities and may include faculty, staff, students, or non-university people. The AAO and OHRD may serve as ex-officio members. Further definition of the scope and responsibility of the search/screen committee may be determined by the hiring authority in consultation with the AAO and OHRD.
  3. Complete the Recruitment Report: (see form at 04.01.15 K.1.) This form is supplied by the AAO or OHRD and must be completed and approved before announcing the position vacancy. The items required by the form are defined as follows: