
OFFICE OF THE CHANCELLOR
University of New Orleans

Administrative Policy & Procedure
(AP) 2
Effective Date: 10/8/81

SUBJECT: AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

PURPOSE

To set forth administrative policy and procedure regarding the University's commitment to equal employment opportunity.

DEFINITIONS

Affirmative Action as it applies to employment is the obligation imposed on the University by federal and state law to apply maximum efforts through specific and meaningful procedures to provide equal opportunity for employment and professional advancement at the University. The term is used in reference to the responsibilities and objectives set forth in the University's Affirmative Action Program. Affirmative action refers to the process of self-analysis accompanied by goal setting and positive action to further the objective of equal opportunity in employment at UNO.

Equal Opportunity as assured under federal and state law means that no qualified person shall, on the basis of race, color, religion, sex, national origin, age, handicap, marital status, or Vietnam veteran's status, be excluded from participation or employment in, be denied the benefits of, or be subjected to discrimination in any University department program or activity.

Equal Employment Opportunity is the right of each job applicant to receive fair consideration for employment. It also includes the right of an employee to receive fair consideration in actions involving promotion and upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and tenure without regard for race, color, religion, sex, national origin, age, handicap, marital status or Vietnam veteran's status.

Underutilization is the employment of fewer women and minorities in a particular job classification than would reasonably be expected by their availability in the appropriate labor area.

GENERAL POLICY

UNO has developed and maintained an Affirmative Action Program since June 1975, which implements its policy of assuring equal opportunity in employment to all qualified persons. The execution of this policy requires:

- 1) the use of effective and innovative recruitment techniques directed toward identifying and attracting women and minorities;
- 2) the application of affirmative efforts to hire handicapped persons, disabled veterans, and Vietnam era veterans; and
- 3) the use of selection criteria and procedures which are unbiased.

Pursuant to its Affirmative Action Program, UNO has a commitment to identify areas in which it is deficient in the utilization of minorities and women, to set goals and timetables in order to correct these deficiencies, and to monitor the overall effectiveness of its Affirmative Action efforts. This commitment extends to identifying and revising its criteria, policies, practices and procedures to ensure that they conform with the University's policy of providing equal employment opportunity.

In the event that statistical data reveal that few minorities or women with the requisite skills and qualifications are available in the appropriate labor area for any given position, this shall not be used to justify the continued absence of these persons from any department or division. That department or division will be expected to review its recruitment procedures and take positive action to ensure that the multiracial and multicultural population served is fully represented in our employment ranks.

UNO's equal opportunity policy is communicated to present and prospective employees and others through University publications, recruitment materials, application forms, contracts, and purchase orders, and through explanations in meetings with administrative and supervisory personnel and other employees.

The University has also established grievance procedures to review personnel decisions where discrimination is alleged.

The University's EEO officer has primary responsibility for implementing equal opportunity policy, subject to the supervisory authority of the Chancellor. Administrative heads of all divisions and departments are expected to be responsive to equal opportunity policy and fully to cooperate with the EEO officer.

AUTHORITY

The source of authority for the issuance of AP 2 is PM 55, which promulgates System policy with respect to affirmative action and equal employment opportunity. Federal and state laws, regulations, orders and provisions concerning equal opportunity and affirmative action include:

Title VI of the Civil Rights Act of 1964 as amended which prohibits discrimination on the basis of race,

color, or national origin in any program or activity which receives federal financial assistance. The penalty for non-compliance is a cut off of federal funds. [July 2, 1964, P.L. 88 - 352, Title VI, Section 601].

Title VII of the Civil Rights Act of 1964 as amended, which makes it unlawful for an employer to discriminate against an employee because of that employee's race, color, religion, sex, or national origin. The enforcement authority for Title VII is vested in the Equal Employment Opportunity Commission (EEOC).

The Equal Pay Act of 1963, which prohibits discrimination on account of sex in the payment of wages to employees who perform equal work requiring equal skill, effort and responsibility under similar working conditions. Enforcement authority for the act has been transferred to EEOC. [June 10, 1963, P. L. 88-38].

The Age Discrimination in Employment Act of 1967 as amended, which prohibits discrimination against employees between 40 and 70 years of age. Excluded from coverage are persons 65-70 years of age who are 1) in executive or high policy making positions and who are entitled to certain pensions or 2) until July 1982, tenured college professors. Effective July 1, 1979, enforcement authority was transferred to EEOC. [December 6, 1967, P.L. 90-202 as amended by P.L. 95-256.]

The Rehabilitation Act of 1973, as amended, which requires that federal government contractors take affirmative action to employ and advance in employment qualified handicapped individuals. Section 504 of the Act provides that "no otherwise qualified handicapped individual shall, solely by reason of his handicap," be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds. [Public Law 93-112 as amended.]

Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. [June 23, 1971, P.L. 92-318, as amended.]

The Vietnam Era Veterans' Readjustment Act of 1974, which provides protection from employment discrimination to veterans and Vietnam era veterans and requires that federal contractors take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. [P.L. 93-508.]

Executive Order 11246, as amended by Executive Order 11375, which requires equal opportunity and affirmative action by federal contractors to ensure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex or national origin. It also requires that an equal employment opportunity clause be incorporated in grants, contracts or loans involving federal assistance as a condition to their approval. [September 24, 1965; October 13, 1967.]

Revised Order #4 (41 CFR 60) which consists of regulations issued pursuant to Executive Order 11246, and which requires federal government contractors to take affirmative action to employ minorities, women, disabled veterans and the handicapped.

Louisiana Executive Order No. 13, September 1972, which requires that state agencies draw up and implement acceptable plans for affirmative action to ensure equal employment opportunity for all citizens of Louisiana.

The Civil Rights Act of 1866 which enforces the right of all persons to contract in the employment area (42 USC 1981).

The Civil Rights Act of 1871 which authorizes the award of damages for the deprivation of any rights, privileges or immunities secured by the Constitution and laws. (42 USC 1983).

The "due process" clause of the 14th Amendment which provides that no person shall be deprived of life, liberty or property without the due process of law.

This document supercedes Chancellor's Memorandum CM-15, which is rescinded.

PROCEDURES FOR IMPLEMENTING THE POLICY

The procedure set forth in Permanent Memoranda 55 of the Louisiana State University System will be followed in implementing UNO's Affirmative Action and Equal Opportunity Policy with respect to academic and unclassified appointments:

1. Official equal opportunity signs will be displayed in all appropriate places on the campus and will be kept current. All University contracts, purchase orders and advertisements for employees shall include the statement: UNO IS AN EQUAL OPPORTUNITY EMPLOYER.
2. The fact that the University is an equal opportunity employer will be publicized in all communications which recruit personnel.
3. The qualifications of each applicant must be detailed for comparison with requirements of the position to be filled.
4. Compensation shall be based upon objective criteria characterizing the position in question.
5. Insofar as feasible and within available resources, training programs will be conducted for appropriate skills to enable employees to qualify for advancement.
6. Where an appropriate pool of women and/or ethnic minorities already exists on campus, vacancies and/or promotions must be advertised and posted campus-wide as a minimum effort.
7. Where an insufficient pool of women and/or ethnic minorities exists, vacancies and/or promotions must be advertised on a wider basis. This would include advertising in newspapers, professional journals, periodicals, minority and women's placement services, etc., as appropriate.
8. Exceptions to the above stated advertising policy will be limited to promotional announcements in academic rank and to those designated and approved circumstances in which an apprenticeship is a prerequisite to the higher level of responsibility. These apprenticeship circumstances must be clearly advertised as such when the lower level positions are filled.
9. Certification of EEO compliance will be required on all personnel actions submitted to this office. The statement "EEO Compliance Certified" will be verified by a thorough review of the pertinent documents required to be submitted to this office.

Detailed procedures for filling vacancies are set forth in AP 2.1 and 2.2.

Leon J. Richelle
Chancellor

ADDENDUM

from: Office of the Chancellor

to: Vice Chancellors, Deans, Directors, Department Chairmen and other Administrative Officers

date: October 7, 1981

re: AP-2

The attached AP should be shared with all employees and filed with AP-1 and AP-1.1.

AP-2.1 and 2.2 are forthcoming and will describe in more detail the procedures for filling vacancies.

Leon J. Richelle
Chancellor
