

## POLICY STATEMENT

The policy of the University of Maine System is to provide equal opportunity in its role as an employer and educational institution. In complying with the letter and spirit of applicable laws and pursuing its own goals of diversity, the Chancellor's Office/System-wide Services shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, including transgender status or gender expression national origin, or citizenship status, age, disability or veterans status in any area of the University. This policy includes, but is not limited to, the requirements of Executive Orders 11246 and 11375; Sections 503 and 504 of the Rehabilitation Act of 1973; Section 402 of the Vietnam Veterans Readjustment Assistance Act of 1974; Title VII of the Civil Rights Act of 1964; and the Americans with Disabilities Act. In addition, in order to address the effects of past discrimination and to meet its affirmative action obligations under federal and state law, CO/SWS will take affirmative action to recruit and hire qualified women and minorities in selected areas in accordance with the goals and timetables outlined in this Plan. The CO/SWS also regards freedom from sexual harassment as an individual employee and student right which will be safeguarded as a matter of policy.

Affirmative action is good management. Through its commitment to equal employment opportunity and affirmative action, the University will benefit by developing and utilizing all available human resources. All employment practices of CO/SWS, including recruiting, hiring, training, promoting, and retaining persons in all jobs, will comply with this policy. Affirmative action will be taken to recruit qualified women, minorities, individuals with disabilities, and veterans for all job openings. Personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, University-sponsored training, educational programs, leaves, tuition assistance, and social and recreational programs will be administered without regard to race, color, religion, sex, sexual orientation, including transgender status or gender expression, national origin or citizenship status, age, physical or mental disability or veterans status. CO/SWS will monitor personnel actions to ensure that it is able to meet its EEO/AA responsibilities. In the selected areas designated for affirmative action by the Plan, search committees will take all necessary steps to create as large and diverse a pool of applicants as possible and, when choosing among applicants with comparable qualifications, will give special consideration to highly qualified women and minority candidates.

All departments and all personnel are responsible for implementing and following this policy within the scope of their individual job responsibilities. The achievement of applicable University EEO goals is the personal responsibility of each administrator and supervisor.

In order to ensure equal employment opportunity, the Director of Equity and Diversity, who is responsible to the Chief Human Resource and Organization Development Officer Director of Human Resources, has been assigned the responsibility of developing, implementing, coordinating, and monitoring the CO/SWS Affirmative

Action Program. The Director of Equity and Diversity is responsible for monitoring compliance with equal opportunity and affirmative action laws and regulations, and for keeping me informed of personnel actions and progress in this area.

All employees have access to informal and formal complaint procedures for review of personnel actions which they believe to be discriminatory. Employees are encouraged to contact the Director of Equity and Diversity for information about these procedures. Copies of the procedures are also available at the Office of Human Resources. The Director of Diversity and Equity is Sally Dobres, who is located at 16 Central Street Bangor and can be contacted by telephone at (207) 973-3372 (voice) or (207) 973-3300 (TTY/TDD).

This Affirmative Action Plan outlines goals and methods of their attainment for CO/SWS. The text of this Plan and information about applicable EEO goals will be distributed to all supervisors. Representatives of the bargaining agents will also receive the text of the plan. This policy statement will be distributed to all employees. The availability of the Plan will be announced internally and externally. A copy of the Plan has been placed in the Office of Human Resources. The Plan will also be provided to employees and other interested persons upon request. Requests should be directed to the Director of Equity and Diversity, University of Maine System, 16 Central Bangor, Maine 0440-5106.

As Chancellor of the University of Maine System, I firmly support this policy. It is my responsibility to ensure that equal opportunity and affirmative action are realities. This Plan will assist the University in meeting its responsibilities.

---

**Joseph W. Westphal**  
Chancellor  
June, 2002

Revised 12/06

**THIS DOCUMENT CAN BE OBTAINED IN ALTERNATE FORMAT.**

## **ASSIGNMENT OF RESPONSIBILITY**

The Chancellor of the University of Maine System has ultimate responsibility for ensuring that affirmative action and equal opportunity policies, procedures, and commitments are implemented. Responsibility for the coordination of the CO/SWS Affirmative Action Program has been delegated by the Chancellor to the Director of Equity and Diversity. The responsibility for nondiscriminatory employment practices and for meeting goals and timetables rests primarily with administrators, search and review committees, and supervisors who participate in screening and selecting candidates for employment, and promotion and retention. Supervisors shall make equal employment opportunity a continuing concern by discussing EEO matters that relate to unit operations at staff meetings, as appropriate. Supervisors' work performance should be evaluated on their performance in carrying out the goals of the Affirmative Action Plan as well as on other applicable evaluation criteria. All employees of CO/SWS have responsibility for the continuing success of affirmative action and for nondiscriminatory practices within the scope of their individual job responsibilities.

As coordinator of equal employment opportunity for CO/SWS, the Director of Diversity & Equity, among other responsibilities, shall:

1. Develop and coordinate the CO/SWS Affirmative Action Program and associated audit and reporting system. This includes collecting and analyzing employment data, identifying problem areas, setting goals and timetables, monitoring progress toward attainment of goals, developing corrective action programs to remedy problem areas, and annually updating the Affirmative Action Plan.
2. Assist administrators and other supervisors directly responsible for personnel actions to interpret and administer the Affirmative Action Plan and otherwise comply with equal employment opportunity and affirmative action laws and regulations.
3. Review personnel actions for compliance with the Affirmative Action Plan.
4. Periodically review salaries, staffing patterns, recruiting patterns, and other employment practices and policies. Recommend appropriate changes in policy, procedure, or other remedial action to the Chancellor or other appropriate administrators.
5. Develop and direct effective outreach efforts to recruit minority, women, disabled, and veteran applicants.
6. Investigate employees' complaints or questions about possible prohibited discrimination and resolve them, whenever possible, in an informal manner according to the facts of the case and in conformity with applicable federal and state regulations prohibiting discrimination. Advise employees of procedures for pursuing unresolved complaints.

7. Direct dissemination of the Affirmative Action Plan.
8. Monitor compliance with Section 504 of the Rehabilitation Act of 1973. Under this section, programs or activities receiving federal financial assistance are prohibited from discriminating against any otherwise qualified individual with a disability on the basis of the disability.
9. Monitor implementation of Title IX of the Higher Education Act, which prohibits sex discrimination against employees or students in educational programs or activities which receive federal funds.
10. Serve as liaison between CO/SWS and compliance agencies up to the stage of formal hearings, at which time all liaison must be processed through University Counsel.
11. Serve as liaison between CO/SWS and community organizations representing minority groups, women, individuals with disabilities, and veterans.
12. Prepare required reports for submission to compliance agencies authorized to require reports or data.
13. Keep the University administration informed of new developments and requirements in equal employment opportunity and recommend appropriate changes in policy and procedures.

### **DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION POLICY**

This Affirmative Action Plan will be distributed to and discussed with CO/SWS administrators and supervisors. The Director of Equity and Diversity will distribute the policy statement to all current employees. Supervisors will then be responsible for discussing the plan with their staff. The equal employment opportunity policy will be explained to new employees during employee orientation programs, and they will receive the policy statement contained in this Plan at that time. The availability of the complete Affirmative Action Plan will be announced in internal publications and/or on employee bulletin boards, and a copy will be provided to interested employees upon request. The Director of Equity & Diversity will meet with new supervisors to review EEO/AA program elements. The utilization analysis and goals and timetables will be reviewed with administrators, supervisors, and other staff who are involved in search screening, selection, or promotion, or retention processes within any job group that has been identified as underutilizing women or minorities.

The policy statement and EEO posters will be posted on employee bulletin boards and at locations where applicants for jobs are interviewed. A copy of the plan will be placed in the Office of Human Resources.

All collective bargaining agreements, which cover non-management, non-supervisory staff, contain a nondiscrimination clause. The Plan will also be distributed to and discussed with collective bargaining agents.

The Affirmative Action Plan policy statement will be disseminated externally to individuals and organizations that address the needs of women, minority groups, individuals with disabilities and Vietnam-era or disabled veterans. These and all other recruiting sources are requested to actively recruit and refer women, minorities, and disabled and veteran applicants for all positions for which CO/SWS normally hires. The availability of the complete Affirmative Action Plan will be announced externally, and interested individuals may obtain a copy of the Plan upon request.

All external and internal advertisements and announcements for job openings will be nondiscriminatory and will state that CO/SWS is an Equal Opportunity/Affirmative Action employer.

The existence of specific University programs which advance equal opportunity and affirmative action will be communicated to employees through internal publications, orientation programs, and other means to familiarize them with and enable them to benefit from these programs.

## **AUDIT AND REPORTING SYSTEMS**

An audit of the Affirmative Action Plan occurs each year based on the payroll closest to November 1. The purpose of the review is to determine whether plan goals have been achieved and to identify any factors contributing to non-achievement.

Throughout the year, all searches are evaluated on the degree to which they include women and minorities in the applicant pool proportional to their availability, and on the extent to which they help reach CO/SWS affirmative action goals.

## **EEO COMPLAINT PROCEDURES**

The University of Maine System is committed to protecting the rights of each individual in the University community. Each University employee has the right to fair, prompt, and impartial consideration of all complaints related to equal opportunity in employment.

Any employee who believes that he or she has been discriminated against because of sex (including sexual harassment and discrimination on the basis of marital status or pregnancy), sexual orientation, race, color, religion, national origin or citizenship status, age, physical or mental disability, or status as a Vietnam-era or disabled veteran should discuss the problem with an appropriate University official. An employee may choose to:

1. Contact the Director of Equity and Diversity. Many perceived or actual problems can be resolved informally through discussion with or assistance from the Director of Equity and Diversity. If informal resolution is not possible or appropriate an employee may file a formal complaint with the Director of Equity and Diversity, who will conduct an investigation. The procedure for seeking informal resolution of a discrimination complaint or filing a formal complaint is described in Appendix 8. AND/OR,
2. Follow the appropriate grievance procedure, which is initiated by informally discussing the problem with the supervisor or administrator whose decision or action is being contested. All employees have access to such procedures. Grievance procedures for employees who are members of a bargaining unit are described in the appropriate collective bargaining agreement; grievance procedures for non-represented employees are described in the *Handbook for Non-Represented Faculty, and Professional Administrative Staff*, and the *Handbook for University Supervisors and Confidential Employees* and are available from the campus Human Resources office.

If an informal or formal complaint has been filed with the Director of Equity and Diversity and has not resulted in a satisfactory resolution, the employee may still file a grievance as long as the time limits contained in the applicable collective bargaining agreement or policy are observed. An employee's attempts to resolve his or her complaint through the Equal Opportunity Complaint Procedure do not excuse missed deadlines for filing of a grievance under other available procedures. An employee who wishes to pursue efforts to resolve the complaint through the Equal Opportunity Complaint Procedure may request and will ordinarily be granted an extension of the time limit for filing a grievance if the request is made within the time limits set forth in the relevant grievance procedure.

## **AVAILABILITY AND UTILIZATION ANALYSIS**

## IDENTIFICATION OF PROBLEM AREAS

Following are the goals for each job group in the Affirmative Action Plan for the Chancellor's Office/System-wide Services.

<u>Job Category</u>	<u>Women</u>	<u>Minorities</u>
<b>Administrator</b>		
Executive/Administrative Managers	0	0
	3	2
<b>Professional</b>		
Computer and Technology Services	3	1
Financial Management	0	0
Human Resources Services	1	0
Facilities Management	2	0
Academic and Student Services	0	0
Miscellaneous Professional	0	0
<b>Classified</b>		
Clerical I	0	0
Clerical II and Accounting	0	0
Engineering and Institutional Support Technicians	1	0
Educational Technology	1	0
Custodial and Grounds	1	0

The Chancellor's Office/System-wide Services has identified underutilization of women and minorities in the following job groups:

<u>Women</u>	<u>Minorities</u>
Administrators Administrative Managers	Administrators Administrative Managers
Professionals Computer and Technology Services Human Resources Services Facilities Management	Professionals Computer and Technology Services
Classified Institutional Support Technicians Educational Technology Custodial and Grounds	

Search polices and procedures for the System Office have not sufficiently "widened the net" to attract available qualified women and minority job applicants in job groups where underutilization exists.

## **ACTION PLAN TO REMEDY PROBLEM AREAS**

System Office search procedures will be revised by the Office of Human Resources to strengthen the recruitment of qualified women and minority applicants for positions in job groups where underutilization currently exists.

When a search is authorized to fill a position in a job group in which there is underutilization of women or minorities:

1. The Office of Human Resources will assist the director, supervisor, or search committee conducting the search in designing a recruitment strategy that will identify qualified women and minority applicants.
2. Before semi-finalists or finalists are invited for interviews, the hiring department will provide information to the Office of Human Resources about the representation of women and minorities in the applicant pool and the semi-finalist/finalist pool who are women and minorities. If the representation is not within 80% of availability for the job group, Human Resources staff will work with the director, supervisor, or search committee to determine whether additional efforts are needed to widen the pool of applicants or semi-finalists/finalists.

## **ANNUAL PLAN UPDATE**

The annual plan update will include a review of the accomplishments of last year's goals and explanation of any unmet goals, and will describe additional programs or procedures undertaken to improve equal employment opportunity. The first annual plan update will be completed in the fall of the year following the adoption of the new plan.

*Note: The following sections on Compliance with Sex Discrimination Guidelines, Compliance with Guidelines on Discrimination Because of Religion and National Origin, and Affirmative Action Program for Individuals with Disabilities and for Disabled/Vietnam-era Veterans are incorporated in this Affirmative Action Plan consistent with requirements about plan components.*

## **CONSIDERATION OF WOMEN AND MINORITIES NOT IN THE WORKPLACE**

Information about position vacancies in CO/SWS is sent to many local, statewide, and national agencies and organizations that represent women and minorities, including individuals who are not currently employed. This affirmative action resource list is periodically updated to include newly identified resources. All position vacancies are posted on the World Wide Web to be easily accessible.

## **COMPLIANCE WITH SEX DISCRIMINATION GUIDELINES**

CO/SWS complies with applicable laws and regulations prohibiting sex discrimination, including the Sex Discrimination Guidelines for Government Contractors, the Equal Pay Act, the Pregnancy Discrimination Amendment to Title VII of the Civil Rights Act of 1964, and the Sexual Harassment Guidelines. CO/SWS does not discriminate on the basis of sex in the following areas:

1. Recruitment and Advertising: Advertising does not and will not express sex preference except where sex is a bona fide occupational qualification.
2. Job Policies and Practices: University policy is that personnel actions including wages, benefits, job classification, eligibility for leave, and other conditions of employment are administered without regard to sex. University leave policies, which vary by bargaining unit and according to other employee categories, are applied in a nondiscriminatory manner. Disability due to pregnancy is treated under the federal Family and Medical Leave Act, the Maine Family Medical Leave Act, and policies regarding disability leave like any other condition of illness or injury. Requests for child rearing leave are treated consistent with the federal Family and Medical Leave Act and under policies regarding personal leave of absence in a manner that is consistent with requests for other types of personal leave.
3. Seniority System: Where they exist, seniority lines and lists are developed without reference to sex.
4. Wages: The wage and salary schedules and practices of CO/SWS are not related to or based on the sex of employees.

5. Affirmative Action: CO/SWS will take affirmative action to recruit women for those jobs where they have historically been underrepresented and to provide female employees with equal access to training programs.

## **COMPLIANCE WITH GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION AND NATIONAL ORIGIN**

CO/SWS does not discriminate against applicants or employees on the basis of religion or national origin. Recruitment, advertising, and hiring policies and practices and wage structure conform to the requirements of the OFCCP's Guidelines on Discrimination Because of Religion and National Origin.

The University makes reasonable accommodations for the religious observances and practices of employees and prospective employees.

## **AFFIRMATIVE ACTION PROGRAM FOR INDIVIDUALS WITH DISABILITIES AND FOR DISABLED/VIETNAM-ERA VETERANS**

Specific actions will be taken to fulfill CO/SWS's commitment to recruiting, employing, and promoting qualified individuals with disabilities and disabled/Vietnam-era veterans.

Nondiscriminatory Job Requirements: Required qualifications for jobs at CO/SWS shall be related to the essential functions of the job, consistent with business necessity, and necessary for the safe performance of the job. As needed, the Director of Equity and Diversity will review job requirements to ensure that any which tend to screen out qualified individuals with physical or mental disabilities or disabled veterans in the selection of employees or applicants for employment are necessary to perform the essential functions of the job and to do so safely.

Reasonable Accommodation: CO/SWS will make reasonable accommodations for the known physical and mental limitations of otherwise qualified applicants and employees, unless a reasonable accommodation does not exist, would impose an undue hardship on CO/SWS, or poses a direct threat to the health or safety of the individual or others. Reasonable accommodations may include physical and environmental accommodations, job restructuring, alternative work schedules, and promoting understanding of the employee's disability among supervisors and other staff. The CO/SWS Procedure for Accommodating Individuals with Disabilities appears in Appendix 7.

During 2006 CO/SWS provided employees with disabilities with a variety of accommodations, including:

- Parking adjacent to an office building for employees whose physical limitations made them unable to use designated handicap parking;
- An accommodation that included an exception to a facilities policy;
- Flexible scheduling.

Access to Employment Procedures: Reasonable accommodations will be made to ensure that employment processes, including the personnel office, University job posting system, and other employment services, are accessible to applicants and employees with disabilities.

Job Listing: CO/SWS lists all job openings, except for those limited to internal applicants, with the local office of the Maine Job Service. Additional affirmative recruitment efforts include sending announcements of vacancies to agencies and organizations representing people with disabilities and veterans (see list in Appendix 9).

Revised 12/13/06

## **POLICY REGARDING EMPLOYMENT OF CLOSE RELATIVES**

The Board of Trustees Conflict of Interest Policy, adopted in 1991, provides the following guidelines regarding the employment of close relatives.

### 5. Nepotism

- a. Close relatives may be employed in the same or different departments of the University. For purposes of this policy, the term "close relative" shall include significant others in the household.
- b. The fact that an employee is a close relative of another employee in the same or different department shall not be used as a basis for denying to the employee the rights, privileges or benefits of regular appointment or regular job status. Alternative arrangements for supervisory decisions must be made before employment of a close relative.
- c. An employee shall not participate in institutional decisions involving a direct benefit to a close relative. Such decisions include, but shall not be limited to, initial appointment, retention, promotion, tenure, salary and leave of absence.
- d. An employee may not give preferential or favored treatment in the supervision or management of another University employee who is a close relative.
- e. The University reserves the right to reassign employees or duties when deemed a prudent business or management practice.
- f. A close family relationship shall not be used as a basis for denying a student the rights, privileges or benefits of access to academic resources.
- g. An employee shall not participate in institutional academic decisions involving a direct benefit to a close relative. Alternative arrangements for academic decisions must be made for close relatives.

**NON-DISCRIMINATION CLAUSES FROM COLLECTIVE BARGAINING  
AGREEMENTS  
AND EMPLOYEE HANDBOOKS**

**Agreement between University of Maine System  
and Associated Faculties of the University of Maine System (AFUM)**

**Article 27 - Non-Discrimination**

The University and the Association agree not to discriminate illegally with respect to wages, hours, and working conditions based on race, color, religious creed, national origin, sex, age, physical handicap or membership or non-membership in the Association.

**Agreement between University of Maine System  
and Associated C.O.L.T. Staff of the University of Maine System (COLT)**

**Article 29 - Non-Discrimination**

The University and the Association agree not to discriminate with respect to wages, hours, and working conditions based on race, color, religious creed, national origin, sex, citizenship status, age, disability, veterans status, marital status, or membership or non-membership in the Association.

**Agreement between University of Maine System  
and Universities of Maine Professional Staff Association (UMPSA)**

**Article 24 - Non-Discrimination**

The University and the Association agree not to discriminate with respect to wages, hours, and working conditions based on race, color, religious creed, national origin, sex citizenship status, veterans status, or membership or non-membership in the Association. The parties shall comply with applicable provisions of federal and state laws in respect to discrimination in employment because of age and physical and mental handicap.

**Agreement between University of Maine System  
and University of Maine Part-Time Faculty Association (PATFA)**

**Article 24 - Non-Discrimination**

The University and the Union agree not to discriminate illegally with respect to wages, hours, and working conditions based on race, color, religious creed, national origin, sex, age, physical handicap or membership or non-membership in the Union.

**Agreement between University of Maine System  
and Teamsters Union Local No. 340 - Police Unit**

**Article 36 - Non-Discrimination**

The University and the Union agree not to discriminate against any individual because of that individual's sex, race, color, national origin or religion. The parties shall comply with applicable provision of federal and state laws in respect to discrimination in employment because of age and physical and mental disability.

**Agreement between University of Maine System  
and Teamsters Union Local No. 340 - Service and Maintenance Unit**

**Article 12 - Non-Discrimination**

The University and the Union agree not to discriminate against any employee because of sex, race, color, national origin or religion. The parties shall comply with applicable provisions of federal and state laws in respect to discrimination in employment because of age and physical and mental disability.

**Handbook for Non-Represented Faculty, Professional and Administrative Staff  
AND Handbook for University Supervisors and Confidential Employees**

**Non-Discrimination Notice**

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, including transgender status or gender expression, national origin or citizenship status, age, disability or veterans status in employment, education, and all other areas of the University System. The University provides reasonable accommodations to qualified individuals with disabilities upon request.

Questions and complaints about discrimination in any area of the University should be directed to the University Equal Opportunity Director or to the Director of Equity and Diversity for the University of Maine System, currently Sally Dobres, who can be reached at 107 Maine Avenue, Bangor, ME 04401 (207) 621-3199 (voice) or (207) 973-3300 (TDD).

Inquiries or complaints about discrimination in employment or education may also be referred to the Maine Human Rights Commission. Inquiries or complaints about discrimination in employment may be referred to the U.S. Equal Employment Opportunity Commission.

Inquiries about the University's compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin, Section

504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age, may also be referred to the U.S. Department of Education, Office for Civil Rights (OCR), Boston, MA 02109-04557, telephone (617) 223-9662 (voice) or (617) 223-9695 (TTY/TDD). Generally, an individual may also file a complaint with OCR within 180 days of alleged discrimination.

## **WHO IS COVERED BY THE AFFIRMATIVE ACTION PLAN**

American Indian or Alaskan 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.

Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands.

Black, not of Hispanic Origin - A person having origins in any of the black racial groups of Africa.

Disability (Handicap) - Any physical or mental condition which substantially limits a major life activity.

Disabled Veteran - A person (1) entitled to disability compensation from the Veteran's Administration for a disability rating of 30% or more, or (2) whose release from active duty was for a disability incurred or aggravated in the line of duty.

Hispanic - All persons of Mexico, Puerto Rico, Cuba, Central or South America, or other Spanish culture, regardless of race.

Minority Groups/Minorities - For the purpose of this plan, the standard categories are: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; and Hispanic.

Sex - All persons employed or seeking employment opportunities will be provided equal opportunities without regard to gender.

Vietnam Era Veteran - A veteran (1) who (a) served on active duty for more than 180 days which, in part, occurred between August 5, 1964 and May 7, 1975 and was discharged or released therefore with other than a dishonorable discharge, or (b) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975 and, (2) who was so discharged or released within the last 48 months.