

UI FACULTY-STAFF HANDBOOK

CHAPTER THREE:

EMPLOYMENT INFORMATION CONCERNING FACULTY AND STAFF

2006 (editorial)

3060

AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY

PREAMBLE: This section outlines the university's responsibilities vis-à-vis affirmative action and equal opportunity. This section appeared in the 1979 Handbook; it has been changed in minor ways several times since, always to reflect current federal statutes and regulations. Unless otherwise noted, the text is as of July 1996. More information may be obtained from the [Affirmative Action Office-Human Rights Compliance Office](#) (208-885-~~42126594~~). [See also 6010 and 3065 B.] [ed. 7-00]

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A. STATEMENT OF INTENT ON EQUAL OPPORTUNITY. The University of Idaho recognizes that previous discrimination in employment based upon race, color, national origin, religion, sex, [sexual orientation, gender identity/expression](#), age, disability, or status as a Vietnam-era veteran has foreclosed economic opportunity to a significant number of people in the United States. To correct this inequity and to afford everyone the opportunity to participate without discrimination, UI pledges to eliminate all vestiges of policy that tended, intentionally or otherwise, to discriminate on the grounds proscribed by federal and state laws and [on the basis of sexual orientation and gender expression/identity](#) ~~[I've added this because I don't think there is yet federal or state law prohibiting discrimination on the basis of sexual orientation or gender identity/expression]~~, in order to eliminate all traces of discrimination, to take affirmative action to recruit, employ, and promote qualified members of those groups formerly excluded.

B. STATEMENT OF POLICY ON EQUAL EMPLOYMENT AND EDUCATIONAL OPPORTUNITY AND AFFIRMATIVE ACTION.

B-1. It is UI policy to prohibit and eliminate discrimination on the basis of race, color, national origin, religion, sex, [sexual orientation, gender identity/expression](#), age, disability, or status as a Vietnam-era veteran. This policy applies to all programs, services, and facilities, and includes, but is not limited to, applications, admissions, access to programs and services, and employment. Such discrimination is prohibited by titles VI and VII of the Civil Rights Act of 1964, title IX of the Educational Amendments of 1972, sections 503 and 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act Amendments of 1978, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, ~~and~~ other federal and state statutes and regulations, [and university commitments](#).

B-2. It is also UI policy not merely to refrain from employment discrimination as required by the various federal and state enactments but to take positive affirmative action to realize full equal employment opportunity for women, ethnic groups, persons with disabilities, and Vietnam-era veterans and to increase substantially the numbers of women and ethnic-group members in positions where traditionally they have not been employed.

C. PRINCIPLES OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION. In furtherance of this policy, UI will:

C-1. Recruit, hire, train, and promote people in all job classifications without regard to race, color, national origin, religion, sex, [sexual orientation, gender identity/expression](#), age, disability, or status as a Vietnam-era veteran. (An applicant's sex may be a "bona fide occupational qualification," as that term is narrowly construed pursuant to the Civil Rights Act of 1964. Consideration of an applicant's sensory, mental, or physical handicap that would prevent performance of duties essential to a given position is not prohibited.)

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C-2. Base employment decisions on the principles of equal opportunity.

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

C-4. Ensure that all personnel matters, such as compensation, benefits, transfers, layoffs, returns from layoff, leave, UI-sponsored training, education, tuition assistance, and social and recreational programs, are administered without regard to the factors specified in C-1.

C-5. Ensure that access to and use of facilities are administered without regard to the factors specified in C-1. Such facilities as dormitories, locker rooms, and restrooms must be comparable for both sexes.

C-6. Take affirmative action on behalf of women, ethnic groups, persons with disabilities, and Vietnam-era veterans to eliminate the continuing effects of past discrimination in employment; actively recruit members of these groups for employment; ensure that, in the process of recruitment for and appointment to the work force, no permanent appointment will be made until women, ethnic-group members, persons with disabilities, and Vietnam-era veterans have been sought out and encouraged to apply; and develop a work force that reflects a distribution of women and ethnic-group members consistent with the availability of such persons within the appropriate labor market. *[ed. 7-00]*

C-7. Provide prompt, fair, and impartial consideration of all complaints of discrimination arising in UI.

C-8. Identify and analyze problems inherent in employment of women, ethnic-group members, and persons with disabilities, and establish result-oriented procedures (including numerical goals when appropriate) for the elimination of such deficiencies; provide a detailed program indicating specific steps toward these ends and timetables for the prompt achievement of the goals in accordance with the spirit of the law; and take affirmative action to eliminate problems and to achieve the goals (“goals” are defined by federal higher education guidelines as “not rigid and inflexible quotas which must be met, but . . . targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work”).

C-9. Provide reports on the affirmative action program to the appropriate federal and state agencies and to the university community.

D. NON-DILUTION OF STANDARDS. Nothing in this policy requires UI to eliminate or dilute standards that are necessary to the successful performance of its educational and research functions. The affirmative action concept does not require that UI 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 that have had the effect of excluding women, minorities, or persons with disabilities be eliminated, unless UI can demonstrate that such criteria are conditions of successful performance in the particular position involved.

E. STATEMENT OF RESPONSIBILITY.

E-1. Authority and responsibility for implementing, maintaining, and monitoring affirmative action and equal opportunity at UI lie primarily with the president and the affirmative action officer.

E-2. Although the president exercises, in consultation with the affirmative action officer, ultimate authority and responsibility for affirmative action and equal opportunity at UI, the provost and vice presidents are responsible for monitoring and controlling activities within their respective areas of responsibility to ensure full implementation of this policy and program. Deans, directors, departmental administrators, and other officers are similarly responsible within their areas of jurisdiction.

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E-3. The Affirmative Action Committee [see 1640.10] has the major faculty responsibility for monitoring and advancing the affirmative action and equal opportunity programs at UI. The committee works closely with administrative officers and attempts to identify relevant rules and regulations pertaining to specific affirmative action and equal opportunity problems at UI and periodically reports on its activities to the Faculty Council. In areas in which it appears that discretion is permitted in the implementation, application, or operation of a specific program, the committee makes appropriate recommendations to the Faculty Council. *[ed. 7-00]*

E-4. Finally, it is the responsibility of each and every member of the academic community to assist in achieving the aims of this policy and to make equal opportunity a functioning condition of life at UI.