

Faculty Diversity

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Affirmative Action Guidelines for Recruitment and Retention of Faculty

The University of California's commitment to affirmative action in faculty recruitment and retention serves two fundamental academic values. First, an effective affirmative action program will foster a diverse faculty which will reflect a diverse range of interests, abilities, life experiences and worldviews that will enhance the academic mission of the University of California. Second, an effective affirmative action program will support equality of opportunity which will ensure that the University of California can serve the needs of our diverse state and also fully utilize the intellectual resources embedded in our diversity.

The enactment of Proposition 209 in 1996 raised many questions about the status of affirmative action programs in faculty hiring, promotion, and retention in the University of California. Proposition 209, which went into effect on August 28, 1997 as Section 31 of Article 1 of the California State Constitution, requires that the University shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity or national origin. In the four years following Proposition 209, many UC campuses experienced a drop in the rates of hiring women and underrepresented minority faculty members.

However, Proposition 209 contains language stating that the prohibitions do not apply to actions which are necessary to establish or maintain eligibility for any Federal program, where ineligibility would result in a loss of Federal funds to the University. As a Federal contractor, the University of California has an obligation to comply with affirmative action regulations governing all levels of employment, including academic personnel practices. The University also has an obligation to comply with State and Federal laws that prohibit discrimination on the basis of race, sex, color, national origin, and other protected categories. Therefore, an effective affirmative action program for faculty remains a legal requirement for the University of California.

The under-representation of women and minorities on the University of California faculty is a twofold challenge. With regard to women faculty, in many fields the data reflects substantial numbers of qualified women in the labor pool, yet few women entering into the ladder rank faculty. In these areas, efforts must be made to identify and eliminate barriers, both within the University and without, that prevent women from obtaining faculty appointments at the University of California. With regard to minority




faculty, in many fields the data reflect an under-representation of minorities pursuing doctoral education necessary to qualify for faculty appointments. In these areas, efforts must be made to expand the pipelines of minority students entering graduate programs. To answer this challenge, the University of California may engage in a variety of voluntary practices that, although not strictly required by Federal affirmative action regulations, promote values of equal employment opportunity and are consistent with the State Constitution and University policy. These types of non-preferential affirmative action programs are important vehicles for expressing the University's commitment to diversity, equal opportunity, and academic freedom.

The following guidelines describe both mandatory and voluntary affirmative action programs, consistent with law and University policy, which may be undertaken to promote equal employment opportunity and diversity in the context of faculty employment practices.

FEDERALLY MANDATED AFFIRMATIVE ACTION PROGRAMS

Federal affirmative action regulations and University policy require that all campuses develop and maintain a written affirmative action program covering staff, faculty, and all other academic employees. According to the Federal regulations, **“an affirmative action program is a management tool designed to ensure equal employment opportunity.”** A central premise of the Federal affirmative action requirements is that absent discrimination, over time, the demographic profile of employees generally will reflect the gender, racial and ethnic profile of the pools from which the employer recruits and selects. Faculty affirmative action programs should contain a diagnostic component which includes quantitative analyses, and an action-oriented component which includes specific practical steps designed to address problem areas identified by the diagnostic analyses. Effective faculty affirmative action programs also include internal auditing and reporting systems as a means of measuring progress toward achieving a faculty that generally would be expected in the absence of discrimination.

QUANTITATIVE ANALYSES



A faculty affirmative action program that complies with Federal regulations must include six specified quantitative analyses. The most valuable of these for academic affirmative action planning purposes are determining availability, comparing incumbency to availability, and setting placement goals. Availability is an estimate of the number of qualified minorities or women available for employment in a given job group, expressed as a percentage of all qualified persons available for employment in that job group. The purpose of the availability determination is to establish a benchmark against which the demographic composition of the faculty can be compared in order to determine whether barriers to equal employment opportunities may exist within particular departments or organizational units.

To derive availability figures, the regulations require employers to consider the percentage of minorities and women with the requisite skills in the geographic area from which the employer usually recruits, and to use the most current and discrete statistical information available. The Office of the President provides each campus with nationwide data on doctoral degree recipients compiled by the

National Opinion Research Center for use in determining faculty availability. Other sources may be used for fields such as law and medicine where the necessary qualification is a professional degree, or fields such as the life sciences where postdoctoral experience is a prerequisite for a faculty appointment. Each campus should cooperate with the Office of the President to devise and implement a uniform method for calculating availability data. Determining the appropriate source data for estimating availability is an important part of developing a credible affirmative action program.

SETTING PLACEMENT GOALS

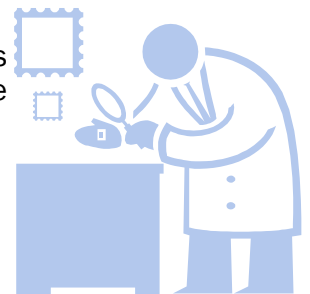
The new Federal affirmative action regulations published November 13, 2000, no longer use the term “underutilization.” Instead, the regulations require the employers to compare the demographic profile of current employees with the availability figures and set placement goals for hiring women and minorities. Each campus must produce annual statistical reports comparing the percentage of women and minority faculty in each academic job group with the availability percentage. When the percentage of women or minorities in a particular academic job group is less than would reasonably be expected, given their availability, the campus must establish a percentage annual placement goal equal to the availability figure derived for women and minorities, as appropriate, for that job group.

According to the regulations, placement goals serve as reasonably attainable objectives or targets that are used to measure progress toward achieving equal employment opportunity. A determination that a placement goal is required constitutes neither a finding nor an admission of discrimination. Placement goals are not quotas, and should not be considered either a ceiling or a floor for the employment of particular groups. Placement goals do not provide a justification to extend a preference to any individual on the basis of gender, race or ethnicity. Placement goals do not create set asides for specific groups, nor are they intended to achieve proportional representation or equal results. Placement goals may not be used to supersede merit selection principles or as a justification for hiring a less qualified person in preference to a more qualified person.

For example, if a campus establishes a job group including all assistant professors in its School of Engineering, and determines that the percent of women in that job group (2%) is less than what would be expected based on availability (12%), then the campus must set a placement goal of hiring women at the rate of 12% of the upcoming hires. If there were four hires authorized in that job group in one year, and the campus hired one woman, the campus would have met its goal for the year in that job group. However, the campus may still have fewer women in Engineering than would be expected based on availability and must continue to set placement goals in the following years until the percent of women in the job group matches what would be expected based on availability.

IDENTIFYING PROBLEM AREAS

Federal affirmative action regulations also require that each campus perform in-depth analyses of its total academic employment process to determine whether and where impediments to equal employment opportunity exist. At a minimum, campuses must evaluate their personnel activities, including applicant pools, hires, termination, promotions and other personnel actions to determine whether there are disparities in the allocation of employment benefits to women and minority employees. Campuses must monitor and evaluate their faculty compensation practices to determine whether there are disparities based on



gender, race or ethnicity. Campuses also must monitor and evaluate their recruitment, selection and promotion procedures to determine whether they result in disparities in the employment or advancement of minorities or women.

If any of the above analyses indicate a problem with regard to equal opportunity, the campus must develop and execute action-oriented programs designed to correct the problem area. In order for these action-oriented programs to be successful, the campus must ensure that they consist of more than following the same procedures which have previously produced inadequate results. To comply with the Federal regulations, a campus must demonstrate that it has made good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results.

The Federal regulations also require each campus to develop and implement an auditing system that periodically measures the effectiveness of its total affirmative action program. A good auditing system should include: **(1)** monitoring all personnel transactions and compensation practices to ensure that the nondiscrimination policy is enforced; **(2)** producing regular internal reports regarding the goals and achievements of the affirmative action program; and **(3)** advising top management of the status and effectiveness of the faculty affirmative action program, along with recommendations to improve any areas of unsatisfactory performance.

BEST PRACTICES FOR FACULTY RECRUITMENT

Under current law and University policy, the most important method for promoting equal opportunity is to conduct a vigorous search which should help ensure that qualified women and minorities are well represented in applicant pools for faculty positions. Search waivers should be granted only in exceptional situations and for compelling reasons. Many departments maintain faculty affirmative action committees that are charged with developing and implementing the practices described below to ensure departmental compliance with Federal equal opportunity standards.



COMPOSING THE SEARCH COMMITTEE

Each department should make an effort to appoint a search committee that represents a diverse cross section of the faculty and includes members who will monitor the affirmative action efforts of the search committee. In accordance with Federal regulations, a special effort should be made to ensure that minorities and women have equal opportunity to serve on search committees. Departments that lack diversity on their own faculty should consider appointing faculty outside the department to search committees or develop other alternatives to broaden the perspective of the committee and increase the reach of the search. Each department should require search committees to create written search plans that describe, at a minimum, the underutilization and availability of women and minorities in the field, the methods of recruitment and advertising, the position description, and the criteria to be used in selecting candidates.

DEVELOPING POSITION ANNOUNCEMENTS

Prior to initiating a search for a faculty position, the position description should be carefully reviewed by the search committee, the department faculty, and the academic administration. Every effort should be made to ensure that the position description reflects the needs of the department and is drafted as broadly as possible to attract the largest available pool of potential applicants. If two or more recruitments in related fields are anticipated in the near future, position announcements may include criteria for all pending appointments, with the understanding that the most exceptional candidate from this larger pool will be hired first, regardless of field. In the following year, the search can be reopened and focused on the fields not filled by the initial hire. Campuses also may want to consider developing policies to encourage cluster hiring and/or spousal hiring policies that may contribute to attracting a more diverse pool of candidates to faculty positions.

In addition to the required notice that the University is an equal opportunity employer, position descriptions and job announcements may contain additional language reflecting the department's interest in attracting applicants whose teaching, research or service activities may contribute to the academic diversity of the campus. For example, a department interested in increasing the participation and success rate of women or minority students in their field may include language in its job descriptions such as, "The department is particularly interested in candidates who have experience working with students from diverse backgrounds and a demonstrated commitment to improving access to higher education for disadvantaged students," or "Candidates should describe previous activities mentoring women, minorities, students with disabilities or other under-represented groups." Job announcements also may contain specific language reflecting the institutional commitment to consider dual career appointments and support spousal employment opportunities, such as "The University is responsive to the needs of dual career couples."

WIDESPREAD ADVERTISING

Every effort should be made to conduct a thorough search and advertise widely before filling any faculty position. Search efforts should include all available avenues for publicizing the position, including national publications, personal contacts, list serves, mailing lists, professional and academic conferences, and Web sites. All advertisements for faculty positions should state that the University is an "Equal Opportunity/Affirmative Action Employer." It also is consistent with University policy and obligations as a Federal contractor for advertisements to state that "all qualified applicants are encouraged to apply, including minorities and women."



INCLUSIVE RECRUITMENT

All University search committees should engage in inclusive recruitment activities that are consistent with University policy and effective for increasing the numbers of women and minority applicants for academic appointments. An effective faculty affirmative action program will ensure that positions be advertised with organizations and publications that are targeted to women and minority audiences, in addition to advertising in publications for general distribution. This inclusive advertising may be placed in nationally known publications such as *Black Issues in Higher Education* or *The Hispanic Outlook in Higher Education*, or in specialized publications such as a newsletter for a women's section of a national

academic organization. Each campus should develop and maintain a list of publications, by field, where academic positions could be advertised, that includes publications targeted to specific groups in addition to publications used for general distribution.

PROACTIVE INFORMATIONAL OUTREACH

In addition to broad advertising, search committees may engage in other types of proactive informational outreach to increase the numbers of outstanding applicants for faculty positions, including women and minorities. As search committee members write letters or make phone calls to their colleagues to ask about promising candidates, they also may specifically inquire about promising women and minority candidates. As search committee members attend conferences or other academic meetings for the purpose of recruiting or networking with potential candidates, they may also make a specific effort to attend conferences or meetings attended primarily by women and minorities in the field. Search committees should ensure that female and minority members of the campus faculty are not excluded from consultations regarding their knowledge of potential candidates, and should actively encourage all faculty to refer potential candidates. All academic disciplines have professional organizations and most of these have subcommittees for women and/or specific minority groups. Search committees may broaden the pool by utilizing the resources of these specialized academic and professional organizations and also by making efforts to identify individuals who have achieved excellence outside academe.

BEST PRACTICES FOR FACULTY SELECTION



The Federal affirmative action regulations provide the University with great flexibility in developing action-oriented programs and demonstrating good faith efforts to provide equal employment opportunity in faculty hiring. However, Proposition 209 does not permit the University to grant preferences on the basis of race or gender in the selection process for academic appointments. Therefore, programs that allowed departments to consider affirmative action in hiring decisions such as the Target of Opportunity for Diversity and the “tie-breaker” policy are no longer available as tools to increase academic employment opportunities for women and minorities. However, there are still important steps that departments can take that will serve to ensure that faculty selection practices provide equal opportunity for all candidates and do not inadvertently create barriers or biases in the selection.

ANALYZING THE POOL

Federal affirmative action regulations require each campus to collect data regarding the race and gender of all job applicants, including applicants for faculty positions. It is a good affirmative action practice, and consistent with University policy, to review the applicant pool prior to beginning the selection process to determine if women and minority applicants are represented in the pool. If women and minority applicants are not present in the pool at about the rate of their estimated availability in the field, then departments should review whether recruitment and outreach procedures were sufficiently broad, and if not, consider reopening the search with expanded inclusive recruitment efforts.

MONITORING THE SELECTION PROCESS

In addition to analyzing the applicant pool for faculty positions, an effective faculty affirmative action plan will include monitoring the selection process. Departments should establish procedures for selection that require applications to be read by more than one person, to minimize the possibility that qualified candidates may be overlooked. Search Committees should prepare written deselection documents that describe the reason(s) for rejecting candidates. Deans or department chairs should review these documents and may examine committee selections to ensure that they meet the selection criteria listed in the position announcement. For example, a search process that begins with a position description targeting one specialized field and ends with a recommendation to hire a candidate in a different specialty should be carefully scrutinized to ensure that no qualified candidates were denied an equal opportunity to compete for the position. Academic administrators also may review the race and gender of candidates on the short list. If there is insufficient representation as compared to availability and the applicant pool, the selection process should be scrutinized to ensure that the selection criteria were properly and consistently applied in the review of candidates, and that those criteria were consistent with the documented academic needs of the department. If selection problems are identified, a search committee may either reopen the search to conduct additional outreach or revisit the pool of all qualified candidates and create a new short list according to appropriate selection criteria.

BEST PRACTICES FOR FACULTY RETENTION

In addition to active recruiting during the hiring process, campuses should be vigilant to identify retention problems that may have a negative impact on faculty diversity and equal employment opportunity. Federal affirmative action regulations require the campuses to collect race and gender data on personnel transactions such as promotions, transfers and resignations and to make good faith efforts to address any racial or gender-based disparities that may be reflected in those data. Campuses may develop procedures for career reviews to ensure that all faculty are appointed at the appropriate rank and step consistent with their academic accomplishments.

Another effective affirmative action tool is to conduct exit interviews with departing faculty, including minorities and women, to determine why they are leaving the University. This provides an opportunity for understanding obstacles to retention and designing effective responses to identified problems. Campuses that conduct exit interviews should make every effort to address problems identified in the interviews and document the results of those efforts. Campuses also may want to interview faculty who have been successful in obtaining tenure, or who have remained with the University for a long period of time, in order to identify factors that contributed to successful faculty careers. Campuses may enlist senior faculty members in developing and implementing successful retention programs.



MENTORING JUNIOR FACULTY

Mentoring is an important part of an effective campus retention program. In addition to informal mentoring, campuses may organize formal mentoring programs and conduct workshops for junior faculty to assist with the tenure process. These programs will contribute to the success of all junior faculty, but may be especially important to women and minority junior faculty who may not otherwise be a part of informal campus support networks. Campuses and departments also may consider permitting junior faculty to participate *ex officio* in academic personnel processes such as file review, ad hoc committees and discussion of personnel cases. Access to information about personnel reviews will demystify the process and may contribute to the retention of junior faculty.



FACULTY DEVELOPMENT PROGRAMS

Many campuses have faculty development programs designed to assist junior faculty in their progress toward tenure. These programs provide financial support, and/or release time to support research. University policy prohibits the consideration of race or gender as a factor in determining eligibility for these programs. Campus faculty development programs may promote campus academic and educational diversity by rewarding faculty who are engaged in research focused on issues such as race, ethnicity, gender, and multiculturalism, and/or by allocating resources to faculty who have demonstrated a commitment to issues of social, educational, and economic justice as evidenced by their record of teaching and service. For example, faculty development programs may reward faculty who have engaged to a significant extent in outreach, recruitment, and retention activities such as counseling, tutoring, or mentoring for educationally disadvantaged students. Such programs also may reward faculty who have exhibited leadership in developing pedagogical techniques designed to accommodate diverse learning styles and promote welcoming classroom environments for students from culturally diverse groups, and/or faculty who have made exceptional contributions to campus diversity through their departmental service.

ACCOMMODATING SPECIAL NEEDS

Providing faculty with necessary flexibility to accommodate special needs will contribute to faculty productivity and retention. Campuses should ensure that all deans and department chairs understand the University's policies concerning leave and modified duties to accommodate faculty with parenting or disability related needs. Campuses should make every effort to ensure that adequate childcare resources and facilities are available to faculty. Departments may explore permanent or temporary part time appointments for faculty that desire such arrangements. Faculty should be informed of their options under University policies and encouraged to request leaves, modified work schedules or other accommodations as needed. Departments also should consider parental and medical needs of faculty in scheduling department meetings and service assignments.

MONITORING PAY EQUITY

Equitable pay practices are important to retain faculty and maintain equal employment opportunity. Campuses should conduct periodic summary level salary reviews to ensure that faculty compensation practices do not reflect disparities on the basis of race or gender. If problem areas are identified, campuses should investigate individual cases and ensure that salary levels are based on legitimate, documented academic considerations. Campuses may implement career review procedures that allow faculty members to have their academic personnel files reviewed for placement at the appropriate rank, step and salary.

INFORMING THE CAMPUS COMMUNITY

Developing an effective faculty affirmative action program requires involving divisions, departments, Senate committees and faculty at all levels. Campuses may promote effective faculty involvement by providing faculty on a regular basis with statistical data regarding the number of minorities and women on the faculty and among new appointments. It is particularly important that data regarding faculty demographic profiles and availability figures be provided to faculty, search committees, department chairs, deans, and academic administrators involved in recruitment and retention activities. This information will serve to inform the campus community about the status and progress of the faculty affirmative action program and also will promote widespread discussion of issues relating to equal opportunity and diversity in faculty hiring. The Office of Academic



Advancement at the Office of the President currently compiles an annual statistical report, "Composition of Graduate Students and Faculty at the University of California by Race and Sex," which is available on the web at <http://www.ucop.edu/acadadv/datamgmt/pub-99.html>. In addition, campuses may compile and distribute their own data sets with more detailed breakdowns reflecting the status of women and minorities in faculty appointments.

In addition to demographic data, all academic administrators, deans, department chairs, and faculty involved in academic personnel matters should receive information on an annual basis regarding the components of the campus faculty affirmative action program and the placement goals in their fields or organizational units. This information is important for identifying potential equal opportunity problems and implementing action-oriented programs to address such problems. Information regarding affirmative action requirements and campus-specific affirmative action data should be provided to all department chairs and deans on an annual basis and should be discussed in orientation and training programs for department chairs and deans.

ENFORCING THE NONDISCRIMINATION POLICY

Each campus should demonstrate its commitment to equal opportunity and diversity by taking active steps to disseminate and enforce the University's policy prohibiting illegal discrimination. University policy, consistent with State and Federal laws, prohibits discrimination, including harassment, on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation.

Campuses can promote enforcement of the University nondiscrimination policy by having knowledgeable persons available to facilitate resolution of complaints, by providing ready access to informal and formal channels for bringing grievances, and by conducting training for all staff and faculty regarding the requirements of the nondiscrimination policy. Training programs regarding sexual harassment and cross-cultural sensitivity are examples of educational programs that may help prevent behavior that could lead to discrimination complaints and provide a more productive employment experience for all employees.

CREATING A WELCOMING CAMPUS CLIMATE

Each campus may promote faculty diversity and equal opportunity by making every effort to provide a scholarly and educational environment that is welcoming and supportive of all participants, regardless of their race, color, ethnicity, or gender. Annual statements from the Chancellor regarding the campus commitment to principles of equal opportunity in education and employment are an important element of an effective campus affirmative action program. Such statements may be distributed widely to publicize the campus position regarding affirmative action and compliance with Federal regulations. Campus leaders can make similar public statements declaring their support for the value of diversity in the educational community.

Campus faculty and academic administrators can encourage and support interested groups that wish to sponsor speakers, discussions, and other educational events to discuss questions of affirmative action, diversity, and equal opportunity. Maintaining an on-going and civil dialogue at the campus level will provide a welcoming academic environment for women and minority faculty. Such dialogue also will provide opportunities for input from a wide variety of persons including the campus leadership, faculty, staff, students and community members. Such discussions also may be effectively introduced on the campuses via the curriculum in a broad array of disciplines. Exploring and implementing diversity in approaches to teaching and research can support educational diversity in the classroom and can assist departments in diversifying and strengthening their faculty. Campuses may provide public and academic recognition to faculty who make exceptional contributions to academic and educational diversity through their research, teaching, or service activities.

DEVELOPING CURRICULAR DIVERSITY

Increasing faculty diversity is one of the valuable consequences of a commitment to a broad and diverse academic curriculum. It is within the academic discretion of the University to encourage faculty to conduct research that contributes to the overall breadth of the curriculum, and to consider contributions to this breadth in making faculty appointments. Campuses may develop organized research units to pursue scholarly exploration of topics such as race, ethnicity, gender, and multiculturalism. Campuses may consider developing joint appointments with ethnic and women studies programs in pursuit of a curriculum that encompasses a broad and deep range of programs and interests. Campuses may commit resources toward developing interdepartmental curriculum initiatives to address issues such as gender and race within the traditional disciplines. Such initiatives may support cluster hiring and other academic personnel practices that will contribute to the diversity and intellectual vitality of the campus community.



VALUING FACULTY CONTRIBUTIONS TO DIVERSITY

Campuses may consider whether faculty members' research, teaching, or service makes an outstanding contribution to the educational diversity of the academic community as part of criteria for faculty recruitment, selection, and advancement. In considering candidates for appointment, departments and search committees may consider whether a candidate's research will serve curricular needs for addressing present-day societal issues related to gender, race, ethnicity, and culture. Campuses may create incentives for hiring faculty who are engaged in research that advances the understanding of issues such as race, ethnicity, gender, and multiculturalism as they intersect with traditional academic fields, or research that examines socio-economically or politically disadvantaged groups in areas such as community development, public health, urban affairs, social justice or educational reform.

Departments and search committees also may consider a candidate's demonstrated commitment to issues of social, educational and economic disadvantage as evidenced by the record of teaching and service. For example, campuses may reward faculty who have demonstrated creativity and initiative in engaging in outreach, mentoring, or tutoring for educationally disadvantaged students or who have exhibited leadership in developing pedagogical techniques designed to accommodate diverse learning styles and promote welcoming classroom environments for students from culturally diverse groups. A department may consider such criteria in its evaluation of current faculty for promotion and advancement, and may provide release time or faculty development funds for faculty who are active in research, teaching or service that promotes equal access for underrepresented students or increases our understanding of the dynamics of race and gender in our society.

Campus values of academic diversity also may be expressed through evaluations of academic administrators. Each academic administrator should be held accountable for implementation of an

effective faculty affirmative action program and should be evaluated for contributions to affirmative action and diversity efforts in program administration and academic personnel practices. Performance reviews for deans and department chairs should include a review of their efforts to promote academic diversity and equal opportunity in all academic affairs. In addition, deans and chairs should be assessed annually with regard to their efforts to follow affirmative action good practices in faculty hiring and other academic personnel actions.

Valuing contributions to diversity will improve the campus climate for women and minorities, and promote equal opportunity for all members of the academic community. It will also provide incentives and rewards for faculty and administrators whose contributions to academic diversity will help the University of California meet the academic needs of the next generation.

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for Recruitment and Retention of Faculty*

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