



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	16-17-26
<b>Title:</b>	Review of the Interim University of Maryland Equal Employment Opportunity & Affirmative Action Statement of Policy
<b>Presenter:</b>	Charles Delwiche, Chair, Senate Equity, Diversity, & Inclusion (EDI) Committee
<b>Date of SEC Review:</b>	February 20, 2017
<b>Date of Senate Review:</b>	March 8, 2017
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. <b>In a single vote</b></li> <li>3. To endorse entire report</li> <li>4. For information only</li> </ol>
<b>Statement of Issue:</b>	In spring 2016, the University adopted an interim Equal Employment Opportunity & Affirmative Action Statement of Policy (VI.1-00[A]). On February 8, 2017, the Senate Executive Committee charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the interim policy.
<b>Relevant Policy # &amp; URL:</b>	<a href="#"><u>University of Maryland Equal Employment Opportunity &amp; Affirmative Action Statement of Policy (VI-1.00[A])</u></a>
<b>Recommendation:</b>	The EDI Committee recommends that the Senate approve the revised Equal Employment Opportunity & Affirmative Action Statement of Policy (VI.1-00[A]) which immediately follows this report.
<b>Committee Work:</b>	<p>The EDI Committee reviewed the interim and gathered and reviewed corresponding policies at peer and Big-10 institutions. The committee consulted with the Assistant Vice President of Human Resources, the University's Equal Employment Opportunity Program Manager, and a representative of the Office of General Counsel. The committee discussed several revisions proposed by the Assistant Vice President of Human Resources. The revisions were reviewed by the Office of General Counsel.</p> <p>On February 16, 2017, the EDI Committee voted unanimously in favor of the revised policy.</p>
<b>Alternatives:</b>	To not approve the EDI Committee's recommended revisions to the Equal Employment Opportunity & Affirmative Action Statement of Policy (VI.1-00[A]).
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	There are no financial implications.
<b>Further Approvals Required:</b>	Senate approval, Presidential approval.

# **Senate Equity, Diversity, & Inclusion Committee**

## **Report on Senate Document #16-17-26**

### **Review of the Interim University of Maryland Equal Employment Opportunity & Affirmative Action Statement of Policy**

**February 2017**

#### **2016-2017 ERG Committee Members**

Charles Delwiche, Chair  
Jacinta Felice, Ex-Officio VP for Student Affairs Rep  
Steve Fetter, Ex-Officio Provost's Rep  
Anne Martens, Ex-Officio VP for Administration & Finance Rep  
Shaunna Payne Gold, Ex-Officio Director of ODI Rep  
Typhanye Dyer, Faculty  
Jennifer Dindinger, Faculty  
Pradeep Kapur, Faculty  
Beth St. Jean, Faculty  
Yukako Tatsumi, Faculty  
Maya Aduba, Exempt Staff  
Phyllis Dailey, Exempt Staff  
Leon Tune, Exempt Staff  
Jordan Carter-Reich, Non-Exempt Staff  
Qing Dong, Non-Exempt Staff  
Arif Nuri, Graduate Student  
Ashlee Wilkins, Graduate Student  
Aidan Lapierre, Undergraduate Student  
Sarah Eshera, Undergraduate Student

## **BACKGROUND**

In spring 2016, the University adopted an interim Equal Employment Opportunity & Affirmative Action Statement of Policy (VI.1-00[A]). The interim policy, which replaced the Equal Employment Opportunity & Affirmative Action Plan (VI.1-00[A]), was a response to recommendations stemming from a consulting firm's review of University policies. On February 8, 2017, the Senate Executive Committee charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the interim policy, reviewing similar policies at peer institutions, consulting with the Assistant Vice President of Human Resources and the Office of General Counsel, and proposing revisions to the policy, as necessary (Appendix 2).

## **COMMITTEE WORK**

The EDI Committee gathered and reviewed corresponding policies at peer and Big-10 institutions (Appendix 1). At its meeting on February 16, 2017, the committee consulted with the Assistant Vice President of Human Resources, the University's Equal Employment Opportunity Program Manager, and a representative of the Office of General Counsel. It learned that the interim policy was intended to address feedback provided in the course of a review, as well as to revise out-of-date provisions of the previous policy. The committee learned that the list of protected classifications contained in the policy is dictated by state and federal law, as well as by executive orders issued by the Governor of Maryland. Variations among analogous policies at peer institutions are in part a result of differences in state law.

The committee discussed and approved several revisions proposed by the Assistant Vice President of Human Resources. These changes eliminated duplicative language, added a protected classification, and removed unnecessary language describing the extent of the University's responsibility to accommodate applicants or employees with physical or mental limitations. The revisions were reviewed by the Office of General Counsel.

The EDI Committee voted unanimously in favor of the revised policy.

## **RECOMMENDATIONS**

The EDI Committee recommends that the Senate approve the revised Equal Employment Opportunity & Affirmative Action Statement of Policy (VI.1-00[A]), which immediately follows this report.

## **APPENDICES**

Appendix 1 — EDI Committee Peer EEO Policy Research

Appendix 2 — Senate Executive Committee Charge on the Review of the Interim University of Maryland Equal Employment Opportunity & Affirmative Action Statement of Policy (Senate Document #16-17-26)

**VI-1.00(A) University of Maryland Equal Employment Opportunity & Affirmative Action Statement of Policy** (Approved by the President August 1, 1991; updated May 13, 2002; updated October 15, 2014; updated and approved on an Interim Basis April 18, 2016)

It is the policy of the University of Maryland not to discriminate or allow the harassment of employees or applicants on the basis of sex, gender identity or expression, sexual orientation, race, color, religious creed, national origin, physical or mental disability, protected Veteran status, age, **genetic information**, or any other characteristic protected by law with regard to any employment practices, including recruitment, advertising, job application procedures, hiring, upgrading, training, promotion, transfer, compensation, job assignments, benefits, and/or other terms, conditions, or privileges of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job. This policy applies to all jobs at the University of Maryland. The University of Maryland will continue to ensure that individuals are employed, and that employees are treated during employment, without regard to ~~their sex, gender identity or expression, sexual orientation, race, color, religious creed, national origin, physical or mental disability, protected Veteran status, age~~ **any of the above characteristics** or any other characteristic protected by law in all employment practices as follows:

Employment decisions at the University of Maryland are based on legitimate job related criteria. All personnel actions or programs that affect qualified individuals, such as employment, **upgrading reclassification**, demotion, transfer, recruitment, advertising, termination, rate of pay or other forms of compensation, and selection for training, are made without discrimination ~~based upon the individual's sex, gender identity, sexual orientation, race, color, religious creed, national origin, physical or mental disability, protected Veteran status, or any other characteristic protected by law.~~

Employees may choose to voluntarily disclose their sex, race, national origin, disability, and protected Veteran status at any time by contacting University Human Resources. Such information will be maintained in a confidential manner and will not be used against an individual when making any employment decisions. Employees and applicants with disabilities ~~and disabled Veterans~~ are encouraged to inform University Human Resources if they need a reasonable accommodation to perform a job for which they are otherwise qualified. The University of Maryland makes, and will continue to make, reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee to promote the employment of qualified individuals with disabilities ~~and disabled Veterans, unless such accommodations would impose an undue hardship on the University of Maryland.~~

The University of Maryland and its President are fully committed to principals of equal employment opportunity and affirmative action. The Assistant Vice President of University Human Resources in conjunction with the Chief Diversity Officer is responsible for the implementation of the University of Maryland's affirmative action program. All managers and supervisors shall take an active part in the University of Maryland's affirmative action programs to ensure all qualified employees and prospective employees are considered and treated in a nondiscriminatory manner with respect to employment decisions. Furthermore, the University of Maryland strives to solicit the cooperation and support of all employees for the University of Maryland's Equal Employment Opportunity and affirmative action programs.

The University of Maryland's affirmative action programs include an audit and reporting system, which, among other things, uses metrics and other information to measure the effectiveness of the University of Maryland's programs. The University of Maryland's Affirmative Action Officer is responsible for periodically reviewing progress in the compliance and implementation of the University's affirmative action commitment and programs. In accordance with law, the University of Maryland affirmative action programs for qualified individuals with disabilities and protected Veterans are available for inspection in the University Human Resources office, Monday through Friday from 8:30 am to 5:00 pm upon request.

In addition, employees and applicants for employment will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in, or may have engaged in, filing a complaint, assisting or participating in an investigation, compliance review or hearing, or other activity related to the administration of Section 503 of the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Executive Order 11246, all as amended, and/or any other federal, state, or local law or regulation regarding equal employment opportunity, opposing any act or practice made unlawful, or exercising any other right protected by such laws or regulations. The University of Maryland will not discharge or in any other manner discriminate against employees or applicants for employment because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant for employment. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions should not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the University of Maryland's legal duty to furnish information.