



Affirmative Action Guidelines and Procedures For Faculty Appointments and Promotions

I. BACKGROUND

The concept of "affirmative action" and other equal employment opportunity obligations of federal contractors introduced by Executive Order 11246 have been implemented by regulations from the Department of Labor. These regulations are enforced by the U.S. Department of Labor through its Office of Federal Contract Compliance Programs (O.F.C.C.P.), and they apply to all contractors of the federal government, including colleges and universities. By accepting federal contracts, universities must automatically accept the obligation both to remedy the effects of past discrimination and to prevent the continuation of present discriminatory practices as detailed in the Department of Labor regulations.

Universities have a moral obligation to take the leadership in society to ensure equal opportunity in employment. Therefore, the equal opportunity responsibilities of this University need to be enforced, not only because they are the law but because they are morally right and just.

The affirmative action concept does not require that a university employ or promote persons that are unqualified. Universities must continue to hire using standards of merit, but they cannot ignore a large segment of the available candidate pool. Higher education can only gain by bringing in women and minority persons who represent an important part of our society. To increase the number of women and minorities employed, especially in tenured and policy-making positions, universities must recruit these persons as actively as they have recruited white men. There has been a tendency in the past to recruit heavily at institutions graduating exclusively or predominantly white men or by the informal word-of-mouth recruiting technique. Both methods tend to exclude women and minority persons. The adoption of genuine and effective techniques and procedures will help locate qualified members of groups which have previously been denied opportunities for employment. Affirmative action requirements will broaden the University's search procedures and establish rational criteria for hiring. Therefore, the scholarly excellence and quality of the faculty should also increase.

During the past five years much has been accomplished with respect to affirmative action at the University of Pennsylvania, but more remains to be done. Obviously, it takes time to keep the records necessary for documentation of an effective selection process; however, this is well spent and will serve as evidence of good faith efforts to increase the number of women and minority persons in long-term

and tenured positions. Therefore, your sincere cooperation is urgently needed. The following information should be used as a guide to recruitment and hiring procedures for new appointments and for promotions at the University of Pennsylvania.

II. UNIVERSITY POLICY ON EQUAL OPPORTUNITY

In all appointment, reappointment and promotion actions, the best candidate will be recommended. In these actions, as well as in the termination of a faculty appointment, it is necessary to demonstrate that full and fair consideration has been given to all minority and female candidates. The same scholarly and professional standards are applicable to all candidates. When it is not possible, on the basis of qualifications, to make a clear choice among candidates, special consideration will be given to women and members of underutilized minority groups, as noted in the section on goals and timetables of the University's most recent affirmative action plan.

In each case (new appointment, reappointment, promotion and termination), the recommendation will be made in accordance with the University's policy on equal opportunity.

"The University of Pennsylvania does not discriminate on the basis of race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin or handicap. The University's policy applies to faculty and other employees, applicants for faculty positions and other employment, students and applicants to educational programs and activities."

III. AFFIRMATIVE ACTION ADMINISTRATION AT THE UNIVERSITY OF PENNSYLVANIA

A. DIRECTOR OF THE OFFICE OF THE PRESIDENT

Ultimate responsibility for the University's affirmative action program rests with the Trustees and the president. However, the director of the office of the president has been designated as the executive responsible for coordinating the University equal opportunity programs. With the advice of the director of the office of the president, the provost makes and officially promulgates affirmative action policies for the academic staff.

B. SPECIAL ASSISTANT TO THE DIRECTOR OF THE OFFICE OF THE PRESIDENT FOR AFFIRMATIVE ACTION PROGRAMS

The special assistant to the director of the office of the president for affirmative action programs advises the director on organizing and implementing all affirmative action and equal opportunity programs to conform to the requirements of law and the objectives of the University. The special assistant also gives advice on administering the auditing and reporting systems under these programs, analyzing results on a regular basis, and formulating specific goals or other appropriate action to remedy problems.

C. EXECUTIVE ASSISTANT TO THE PROVOST

Although the executive assistant to the provost has primary reporting responsibility to the provost, for the purposes of administering equal opportunity and affirmative action programs the executive assistant to the provost reports directly to the director of the office of the president. Working in close cooperation with the special assistant for affirmative action programs and the school affirmative action officers, the executive assistant to the provost has primary responsibility for day-to-day administration of affirmative action programs for the faculty. She has been delegated authority by the provost to review all faculty equal opportunity compliance forms and provide information and consultation on questions regarding faculty affirmative action policy and procedures. Her responsibilities also include orientation and training for new school affirmative action officers, meeting with chairpersons of departments where under-utilization of women and/or minorities exists, designing mechanisms for "special effort searches" and salary reviews for faculty appointments and promotions, and assisting with the auditing and reporting systems under the University's affirmative action program.

D. SCHOOL AFFIRMATIVE ACTION OFFICERS

In each of the University's fourteen schools an affirmative action officer is selected by the dean to monitor equal opportunity compliance in the faculty appointment and promotion process within the school. This officer is normally a tenured faculty member or a fulltime member of the associated faculty who has passed whatever probationary period is usual in that school. The affirmative action officer may be given released time from some other duties in order to serve in this capacity. The affirmative action responsibilities include:

- providing affirmative action information to department chairpersons, the chairpersons of search committees, and individual faculty members;

- consulting with search committees and department chairpersons on affirmative action goals and policies, the placement and wording of advertisements, the wording of letters soliciting candidates and requesting evaluations, special efforts to contact women's and minority organizations;

- reviewing all faculty equal opportunity compliance forms for the school;

- periodically reviewing availability data with the dean.

In the faculty appointment and promotion process, *substantive decisions on academic merit and staffing needs are the responsibility of the appointing department, the school personnel committee, the dean and the provost.* If the affirmative action officer perceives a problem in reviewing the equal opportunity compliance form and accompanying documentation, the officer should notify the department chairperson or the dean immediately. If the problem is not resolved readily by the provision of further documentation or explanations on the part of the department chairperson, the dean should mediate and assist in the matter.

The school affirmative action officer is not responsible for receiving internal grievances or for acting upon any such grievances. Grievances should be initiated and handled in accordance with the

faculty grievance procedure (*Handbook for Faculty and Administration*, 1979, pp. 68-77).

E. THE COUNCIL ON EQUAL OPPORTUNITY

The Council on Equal Opportunity advises the president and provost on all matters regarding affirmative action. Specifically the council is charged to:

1. oversee policies, performance and progress relating to affirmative action throughout the University;
2. review the University's equal opportunity and affirmative action programs and recommend changes when necessary;
3. spearhead affirmative action efforts in schools, departments and offices within the University; and
4. share information about procedures, problems and solutions among the schools or centers.

Included in membership on the council are all affirmative action officers for faculty and staff, the administrator of the office of equal opportunity, the special assistant to the director of the office of the president for affirmative action programs, and the executive assistant to the provost.

The council meets once a month during the academic year. Subcommittees on specific aspects of the University's affirmative action plan meet as the need arises and report regularly to the full council. The council submits an annual report to the president and provost, and the report is published in *Almanac*.

IV. PROCEDURES

A. NEW APPOINTMENT

1. *Formal searches* are required for:

- all new appointments in the Standing Faculty and the Standing Faculty—Clinician-Educators, and
- all new fulltime appointments in the research track of the Associated Faculty.

Before the new or vacant faculty position may be filled, a full search must be made to generate the broadest and strongest possible candidate pool. The search must be conducted in such a manner as to be reasonably likely to bring the vacancy to the attention of qualified minority and female candidates, and to ensure the inclusion of such candidates in the candidate pool. Searches based on "informal contacts" are unacceptable.

a. Separate searches must be conducted for positions in different subfields.

b. Before initiating a search, chairpersons who have questions are encouraged to consult the school affirmative action officer with respect to the placing of advertisements and plans for the search. At the very least, the school affirmative action officer must be informed of openings as they occur and must be given a copy of the advertisement announcing the position.

c. The advertisement should specify the subfield, desired qualifications, and the faculty rank. The candidate pool could, for instance, be nucleic acid biochemists of any rank, recent Ph.D.'s in American literature, outstanding professors of mathematics qualified for major chairs, or medical residents in pediatrics. The advertisement must include the sentence: "The University of Pennsylvania is an equal opportunity, affirmative action employer." The position should be advertised for a reasonable length of time in professional journals, and, where possible, caucus newsletters likely to reach minority and women scholars.

d. Effective search committees should, if possible, include among their members women and minority persons. One member of the search committee could be given special responsibility to identify and recruit qualified women and minority persons.

e. An expanded search network should include direct letters to graduate departments. Disciplinary and professional associations, including committees and caucus groups, should be contacted and their facilities for employee location and referral used.

f. Each school and department should know the general proportion of women and minority groups within the national pool of candidates for particular academic positions, and should make diligent efforts to bring women and minority group candidates into serious consideration for available positions. To ensure accuracy and consistency, please consult the availability data supplied annually by the special assistant to the director of the office of the president for affirmative action programs. Copies of these reports are provided to deans and school affirmative action officers.

g. Cases where a formal search was not conducted at the time of the candidate's initial appointment at the University must be handled as new appointments (requiring a search), and *not* as promotions. For instance, if a person who is currently a research associate or research specialist at the University is to be recommended for an appointment as research assistant professor, a search must be documented, either for the original appointment as research associate/research specialist or for the proposed appointment as research assistant professor.

h. "Special effort searches" may be required where a department or school is underutilizing women or minorities. The mechanism for special effort searches is currently being designed.

2. In the selection process, serious consideration must be given to qualified women and members of minority groups. *The best candidate from the pool will be recommended.*

3. Departments are required to *retain written records* of data concerning candidates, and of *all* applications and supplementary material received from applicants for all fulltime and parttime faculty posts, *for two years after a position has been filled*. This applies to records of both successful and unsuccessful applicants.

4. Instructions for use of the blue "Faculty Equal Opportunity Compliance Statement": see Section V.E.1 of these guidelines.

B. PROMOTION

1. A formal search is not required for promotions. However, *equal consideration* must be given to all individuals in the same rank and years of service in the department. Whenever there are several candidates of the same rank and equal time of service, the department chairperson is required to justify the choice of the candidate proposed for promotion.

2. Instructions for use of the goldenrod "Faculty Equal Opportunity Compliance Statement": see Section V.E.2 of these guidelines.

C. TERMINATION OF APPOINTMENT IN THE STANDING FACULTY OR THE STANDING FACULTY—CLINICIAN-EDUCATORS

1. If a department initiates the termination, it must be shown that *full and fair consideration* was given to the faculty member's qualifications as compared with all others in the same rank or promoted/reappointed during the last three years.

2. Instructions for use of the salmon "Faculty Equal Opportunity Compliance Statement": see Section V.E.3 of these guidelines.

D. OTHER CONFIDENTIAL EQUAL OPPORTUNITY DATA

These data will remain strictly confidential, with access restricted to:

- University personnel with affirmative action responsibilities and authorized by the provost to review the data;
- government officials investigating compliance with regulations.

1. Self-Identification Data Form for Faculty

The federal government, under Executive Order #11246 and other relevant regulations, requires that colleges and universities who are contractors of the federal government maintain data in compliance with affirmative action programs. The University of Pennsylvania must keep up-to-date statistics on the racial/ethnic categories into which its faculty members fall. Therefore, *effective October 1, 1980*

each new faculty member is asked, on a voluntary basis, to identify his or her racial/ethnic classification. The information provided on the "Self-Identification Data Form for Faculty" will be kept confidential, as stated above.

In addition, faculty members are invited to identify themselves on this form if they are Disabled Veterans, Veterans of the Vietnam Era, or handicapped persons, and wish to benefit under the affirmative action programs.

The following instructions are provided for department chairpersons:

a. Please ask each new faculty member to fill out this form. This applies to *all* faculty members, including Standing Faculty, Associated Faculty, Academic Support Staff, both fulltime and parttime. This does *not* apply to ranks limited to graduate and professional students at the University of Pennsylvania (see *Handbook for Faculty and Administration*, p. 28). The faculty member's cooperation is voluntary.

b. The racial/ethnic five categories used by the federal government are described on the form itself.

c. The completed form should be attached to the faculty member's Personnel Action Form (PAF) at the time the PAF is first processed.

2. Updating of the Faculty Census

Again, in order to conform with recordkeeping and reporting requirements of the federal government, the confidential faculty census will be updated in the fall.

3. Review of Salaries

In the fall a system will be developed to review the salaries of all faculty members appointed and promoted, to ensure that no differences attributable to race or sex are allowed to develop.

V. INSTRUCTIONS FOR USE OF THE COMPLIANCE FORMS

A. IMPORTANT CHANGES

1. As of *October 1, 1980*, the forms for new appointments and for promotions have been revised, applicable for actions effective July 1, 1981 and later. The revised forms may also be used for actions that take effect prior to July 1, 1981.

2. As of *October 1, 1980*, new compliance forms are to be used, to document the termination of appointments in the Standing Faculty or the Standing Faculty—Clinician-Educators.

3. As of *October 1, 1980*, the reappointment forms are discontinued.

B. RACIAL/ETHNIC CATEGORIES

The concept of race as used by the Office of Federal Contract Compliance Programs (O.F.C.C.P.) and the Equal Employment Opportunity Commission (E.E.O.C.) does not denote clear-cut scientific definitions of anthropological origins. Nevertheless, each employee or candidate must be identified as belonging to one, and only one, of five broad racial/ethnic categories defined by federal authorities. A candidate may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. The five racial/ethnic categories are defined as follows:

1. White (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. Black (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.
3. Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race. Only those persons from Central and South American countries who are of Spanish origin, descent, or culture should be included in

this Hispanic category. In addition, the category does not include persons from Portugal, who should be classified according to race.

4. **Asian or Pacific Islanders:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa. The Indian Subcontinent takes in the countries of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan.

5. **American Indian or Alaskan Native:** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

NOTE: When listing *minority* candidates, include only persons in categories 2-5 above.

C. REQUIRED DOCUMENTATION

Please note the documentation which must accompany each form, (see Section E below). The school affirmative action officer must review the compliance form with *complete* documentation, and may request further relevant documentation from the department chairperson or the dean.

D. COLOR-CODED FORMS

New appointment	blue
Promotion	goldenrod
Termination	salmon

For the provost's copy of the candidate's dossier (the original documents): rather than making a xerox copy of the blank compliance form on white paper, please use the original color-coded form. This facilitates document retrieval and review. Each dean's office has a supply of the color-coded forms.

Some schools require *two* originals of the compliance form for each action—one for the school's files, one for the provost's office. Check with the dean's office regarding standard procedure in your school.

E. SPECIFIC INSTRUCTIONS FOR EACH OF THE THREE FORMS

1. *New Appointment* (See also Section IV.A)

- a. The compliance form is blue.
- b. The compliance statement, with complete documentation, must accompany the candidate's dossier for the following proposals:
 - all new appointments in the Standing Faculty and the Standing Faculty—Clinician-Educators;
 - all new fulltime appointments in the research track of the Associated Faculty.
- c. Both the University's affirmative action plan and federal equal opportunity legislation require that the search process be carefully documented, and that the candidate pool generated be analyzed. The information requested on this form is needed to satisfy these requirements for documentation and analysis and also provide a useful guide to departments for the conduct of a search.
- d. Required documentation (to accompany the compliance form):
 - i. request for personnel action form (=cover sheet for candidate's dossier);
 - ii. regarding the external search:
 - copy of advertisement(s);
 - a list of universities, schools and departments contacted;
 - sample letter used for contacts. The letter should

- show that schools and departments were encouraged to submit the names of women and minority persons
- iii. regarding the final selection of the proposed candidate:
 - curriculum vitae and recommendation letters of the proposed candidate;
 - if the proposed candidate was neither minority nor female; the vitae and recommendation letters of the *two* best minority persons and the *two* best women considered;
- iv. in addition, the school affirmative action officer may request further relevant documentation from the department chairperson or the dean.

2. *Promotion* (See also Section IV.B)

- a. The compliance form is goldenrod.
- b. The compliance statement, with complete documentation, must accompany the candidate's dossier for the following proposals:
 - the promotion of fulltime faculty members in the Standing Faculty, in the Standing Faculty—Clinician-Educators, and in the research track of the Associated Faculty.
- c. Required documentation (to accompany the compliance form):
 - i. request for personnel action form (=cover sheet for candidate's dossier);
 - ii. the candidate's updated curriculum vitae;
 - iii. letters of recommendation for the candidate;
 - iv. in addition, the school affirmative action officer may request further relevant documentation from the department chairperson or the dean.

3. *Termination of Appointment in the Standing Faculty or the Standing Faculty—Clinician-Educators* (See also Section IV.C)

- a. The compliance form is salmon in color.
- b. The compliance statement, with complete documentation, must be submitted when:
 - i. the faculty member is not being reappointed or promoted; or
 - ii. the faculty member is moving into another track outside the Standing Faculty or the Standing Faculty—Clinician-Educators (this includes a move from the Standing Faculty to the Standing Faculty—Clinician-Educators);
 - iii. the faculty member voluntarily resigns (s. III.1 on the form).
- c. Whenever possible, this compliance statement should be approved by the dean and the provost *before* a faculty member is notified officially that his or her appointment in the Standing Faculty or the Standing Faculty—Clinician-Educators is to be terminated. In any event, this statement must be approved by the dean and the provost *before* the provost will authorize a search for a faculty member to replace the person who is leaving.
- d. Required documentation (to accompany the compliance form):
 - i. the curriculum vitae of the faculty member who is leaving the University or the Standing Faculty or the Standing Faculty—Clinician-Educators;
 - ii. if the department had recommended promotion, please enclose the goldenrod equal opportunity compliance statement (see III.2 on the salmon form);
 - iii. if the faculty member is resigning from the University or from the Standing Faculty or from the Standing Faculty—Clinician-Educators, please enclose a copy of the letter of resignation (see III.3 on the form);
 - iv. in addition, the school affirmative action officer may request further relevant documentation from the department chairperson or the dean.