

Managing Diversity in a University Setting

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Objectives

1. Briefly acquaint you with coverage of anti-discrimination, equal opportunity and compliance laws related to the diversity area for employees and students
 2. Within the framework of the University setting, guide you in the direction of policies and procedures you might encounter as a department head
 3. Reinforce that there are available resources to assist you
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The Challenge of Managing Diversity in the University Setting

- Mosaic of laws, traditions and initiatives
 - Not just civil rights laws or statutory laws
 - Other state and federal “tentacles”
 - Each University creates their own “laws” through policies, practices, guidelines, and initiatives
 - We incorporate federal and state law into University policies, guidelines, etc.
 - Procedures are usually campus specific, implemented through Colleges
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Laws & Regulation in the University Setting: Employees and Students

Common Law

At Will Employment/Contractual Relationship

No tenure Track Faculty, Academic Professionals—except when specified in University of Illinois Statutes

STATUTORY

Constitutional

Equal Protection, Due Process, Privacy, Free Speech

National Labor Relations Act

Fair Labor Standards Act

Civil Rights Act, EEO, ADA, Title IX Gender Equity in Education, IL Human Rights Act

Other

Family Medical Leave Act, Equal Pay, Illinois Ethics Act, State University Civil Service Act

UNIVERSITY SPECIFIC

Policies & Procedures

Appointment Procedures, P&T Process, BOT Guidelines, Nondiscrimination, Sexual Harassment, Search Procedures, Grievance Procedures

Specific Governing Statutes

Univ of Illinois Statutes
General Rules

Collective Bargaining Agreements

Graduate and Teaching Assistants
80% Support Staff

Foundation of Diversity in Higher Education: Civil Rights Act

- Prohibits discrimination on the basis of
 - Race, color
 - National Origin, Citizenship
 - Religion, Creed
 - Gender, Marital Status
 - Retaliation for having filed a claim
- Several Titles covering public programs voting, housing, credit/banks, employment, educational programs
- Extended legislation
 - Equal Pay Act
 - Pregnancy Discrimination Act
 - American Disabilities Act (ADA)
 - Title IX, Educational Amendment, Gender Equity
 - Age Discrimination in Employment, ADEA
 - Veterans Readjustment Act
- Enforced by EEOC, Office for Civil Rights, Illinois Dept Human Rights
 - UIC/OAE responds to approximately 30 external charges per year
- Complaint and Grievance Procedures
 - Faculty, Academic Staff, Support Staff , Student and the Public
 - Internal investigations (10 formal)
 - Dispute Resolution Services (approx. 45 intakes)

Beyond Civil Rights Legislation

- Executive Order 11246
 - Federal contractors required to act affirmatively to recruit and retain underrepresented groups
 - Enforced by US Dept of Labor, Office for Federal Contract Compliance
 - state and federal funding agencies, i.e. research applications

 - Extends beyond nondiscrimination to Equal Opportunity—Level the playing field, eliminate artificial barriers, affirmatively recruit to correct under representation
 - Affirmative Action Plans: faculty, academic and support staff; Under represented Recruitment Faculty Program. See on-line OAE Reports <http://www.uic.edu/depts/oae/DataReports.html>

 - Search Process at UIC incorporates antidiscrimination laws, equal opportunity principles and affirmative action: see <http://www.uic.edu/depts/oae/HiringService.html> for Search Manual, URFP eligibility, Faculty Toolkit, Recruitment Resources
 - UIC's process is based upon legal adequacy, affirmative compliance standards, fairness, good faith effort.
 - We rely upon deans and department heads to advance goals and diversity.
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Extended Applications...

□ Gender Discrimination

- UIC Policy Prohibiting Sexual Harassment

□ Treating everybody the same doesn't always work, e.g. Fam Med Leave Act (FMLA), Tenure Rollback, etc.

□ Religious and disability accommodation

- With or without an accommodation could an employee or student fulfill the essential requirements of the job or an academic program
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Accommodations

- Schedules (work, class attendance, exams)
 - Practices
 - Equipment/Space
 - Parking/Transportation
 - Auxiliary Aids for meetings offered by dept, University or Professional Organization
 - Testing Accommodations—more time
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Campus Resources

- ❑ Employment Accommodation Policy and Request Form, Office for Access and Equity
- ❑ Disability Resource Center for student issues, facilities, general resources
- ❑ Religious Accommodations in the classroom

http://www.uic.edu/depts/oe/docs/religiousholidays_07_12.doc

A few notes about Hiring, Salary Increases or Promoting Employees ...

- Familiarize yourself with the Process whether for Faculty, Academic, Support Staff, GA's and TA's
 - Find out procedures within your college, VCAA, OAE, and BOT
 - Know and utilize available resources *before* the fact, not after
 - Opportunity to compete and transparency of process are typically more important than the ultimate decision
 - The EEO Issue: who has been left out of consideration, *not* who is ultimately the best qualified
 - When using a committee or search committee, be clear about your charge to them: your expectations regarding schedule, diversity, expertise needs
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The “Negative” Decision & Action

- Are you treating this person the same as other similarly situated employees have been treated? Avoid “selective application”
 - Do you know if there is a process associated with your desired action and if so, have you followed the required process?
 - If the basis for your action is conduct, have you had a fair factual determination before taking action?
 - Has this person been party or participated in a claim of discrimination?
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A Word of Caution...

- ❑ Sensitive Issues: family needs, disabilities, retirement
- ❑ Don't make excuses and/or propose solutions for the student or employee involved—invite the the individual to do so.

Is there any reason why I shouldn't treat this as a performance issue?

If you have any suggestions to address your needs or want me to help explore solutions with you, let me know...

Basic Principles for Managing Diversity

1. Follow the “Rules”, your own Departmental, College or University policies and procedures. Don’t selectively apply them.
 2. Maintain a standard of behavior and performance with defined expectations, rewards and consequences.
 3. Make sure the standards and expectations are known and understood.
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Principles ...cont'd

4. Recognize that not everybody is the same
 5. Treat everybody as a unique individual first, a member of a group second
 6. Take complaints seriously
- But most importantly: consult, use the many resources the University offers. You are not alone.
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