

The State University of New York

Empire State College

Affirmative Action Plan

July 2006

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I. LETTER FROM THE PRESIDENT

I want to take this opportunity to reaffirm the college's commitment to equal employment opportunity and affirmative action.

Since its inception, Empire State College has embraced the idea that diversity in curriculum and among students, faculty, staff and administrators enriches the unique educational experience offered by our institution. Providing access to higher education for adult students is a central tenet of our philosophy, and has shaped much of what this college has become during the past three decades.

As we continue to develop new ways to offer students educational opportunities, we must also continue our vigorous commitment to provide equal employment opportunities and enhance diversity in the college community in a variety of ways. We will strive to attract more diverse candidate pools for job openings by identifying and using alternate advertising sources and developing an outreach and recruitment plan. We will follow consistent procedures during the search process that adhere to the principles of affirmative action. And we will enthusiastically support activities that promote cultural and ethnic diversity in the communities where college sites are located and in the broader world. These commitments will be a central focus of the college's next strategic plan.

I ask that members of the college community acquaint themselves with this document. By doing so, you become part of the effort to ensure that our employees are selected and treated fairly, and that discrimination does not occur at Empire State College. In addition, you can contribute directly to an institutional culture that encourages, values and models a richly diverse college community.

Joseph B. Moore
President

July 1, 2006

II. PREFACE

A. Summary of Affirmative Action and the college's Commitment to Equal Employment Opportunity

Empire State College is firmly committed to providing equal educational and employment opportunities for all persons, without regard to age, carrier status, citizenship status, color, disability, gender, genetic predisposition, marital status, national or ethnic origin, prior arrest or conviction status, race, religion, Sabbath observance, sexual orientation or veteran status.

The equal opportunity policy incorporating, as applicable, affirmative action obligations reflects not only federal and state laws, but also the college's and the State University of New York's longstanding commitment to the ideals of fairness, access and excellence. Further, the college believes that its mission as an institution of higher education demands that it also be committed to increasing the representation of protected groups throughout the workforce. To this end, Empire State College has developed this affirmative action plan as a part of the college's wider effort to promote pluralism and diversity among its administration, faculty and staff.

This Affirmative Action Plan has been prepared in accordance with Empire State College and State University of New York policy and the regulations promulgated by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 41 CFR Chapter 60. It sets forth the policies by which Empire State College informs the college community and the public of the processes and procedures in place to ensure that present and prospective employees are treated fairly, based upon merit. The plan was prepared by the affirmative action officer in consultation with the president, the college's administrative officers and the Affirmative Action Committee.

B. Effectives Dates of the Program

The Affirmative Action Plan is reviewed and revised annually. It is distributed to key officials and administrators for dissemination throughout the college community. A copy of this plan is available at every SUNY Empire State College site and is posted on the college's internal web site at www.esc.edu. This document is in effect from July 1, 2006 to June 30, 2007. Inquiries regarding the plan may be directed to Affirmative Action Officer Mary Caroline Powers, (518) 587-2100, ext. 2317, located at One Union Avenue, Saratoga Springs, New York 12866.

III. INTRODUCTION

A. Brief Description of Empire State College

Founded in 1971 as a non-traditional college with the mandate to develop innovative approaches for persons who need or choose alternative education opportunities, Empire State College is one of the 64 institutions of higher education in the State University of New York. It is a comprehensive college offering associate, bachelor's and master's degrees. The college serves more than 16,000 adult students annually at 35 locations in the state of New York and abroad and via the internet.

Approximately 96 percent of Empire State College students are undergraduates, and 4 percent are graduate students; 58 percent are female, and 42 percent are male; 70 percent are part-time students, and 30 percent are full-time students; the largest group of students are ages 23 through 27 (18.4 percent), 14.9 percent are 28 through 32, another 15.1 percent are 33 through 37, 14.7 percent are 38 through 42, 12.1 percent are 43 through 47, and 15.5 percent are 48 years old or older. Of the undergraduates, 59.9 percent are white, non-Hispanic, 11.8 percent are Black, non-Hispanic, 5.9 percent are Hispanic, 1.4 percent are Asian or Pacific Islander, and .55 percent are American Indian or Alaskan Native and 6.75 percent are non-resident aliens.

Instruction is delivered through a variety of modes including one-to-one mentoring, distance learning, study groups, residencies and online courses.

Empire State College has a total workforce of 1,448 employees, which consists of 1108 faculty members, 147 of whom are full-time and 961 of whom are part-time. There are 24 members of the administrative staff, 18 in the supervisory ranks, 147 professional employees, 211 clerical workers, 23 technical workers, 7 members who practice skilled crafts and 10 members of the maintenance staffs. Of the total workforce, 901 are female (62.2 percent) and 172 (11.9 percent) are from minority groups.

B. Administrative Organization of SUNY Empire State College

Empire State College has a distributed organizational structure. The college's Coordinating Center is home to the offices of the President, Joseph B. Moore; the Provost and Vice President for Academic Affairs, Joyce Elliott; the Vice President for Administration, William Ferrero; the Vice President for External Affairs, Hugh Hammett; the Vice President for Educational Technology, Patricia Lefor; and the Vice President for Enrollment Management, Robert Milton.

The college has 12 educational centers.

Those located in Saratoga Springs are the Center for Distance Learning, lead by Dean Meg Benke; Graduate Programs, directed by Interim Dean Meredith Brown; and the college's International Programs, under the direction of Dean Kingston Nyamapfene, which delivers educational programs in Athens, Thessalonikki, Prague and Beirut.

Seven other educational centers and their reporting units and programs are organized geographically. Each center has a dean, and each unit, an on-site coordinator(s) who also is a member of the college faculty and serves students as a mentor. Several of the center deans also oversee other programs, such as FORUM East, Central, and West, and Department of Social Services education and training programs.

The Niagara Frontier Center is located in Buffalo, with four units reporting to the NFC Dean Nan DiBello. The Genesee Valley Center is located in Rochester, with four units reporting to GVC Dean Jonathan Franz. The Central New York Center is located in Syracuse, with six units reporting to Dean Deborah Amory. The Northeast Center is located in Albany, with six units reporting to NEC Interim Dean Marjorie Lavin. The Hudson Valley Center is located in Hartsdale, with three units reporting to Dean Robert Trullinger. The Metropolitan Center is located in Manhattan, with two units reporting to Dean Christine Persico. The Long Island Center is located in Old Westbury with two units reporting to Dean Eunice Bellinger.

Two specialized programs, Verizon Corporate College and the Harry Van Arsdale Jr. Center for Labor Studies, are located in Manhattan. The Corporate College Program, which has seven locations in New York City, is led by Associate Dean and Director Cynthia Ward. Dr. Michael Merrill serves as dean of the Center for Labor Studies.

IV. POLICY STATEMENTS AND COMPLAINT PROCEDURES

A. Affirmative Action and Equal Employment Opportunity Policy

It is the goal of the Empire State College affirmative action policies to provide equal employment opportunity, to prevent discrimination, and to contribute to the diversity of our workforce. The college's affirmative action policies apply to all persons in federally protected groups, including women, people with disabilities, Vietnam era veterans, Blacks, Hispanics, Asian/Pacific Islanders, American Indian/Alaskan Natives, special disabled veterans, and other eligible veterans.

The affirmative action laws governing Empire State College include Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veteran's Readjustment Act of 1974.

In compliance with federal and state laws and regulations, the equal employment opportunity policies and procedures of Empire State College apply to all persons without regard to age, carrier status, citizenship status, color, disability, gender, genetic predisposition, marital status, national or ethnic origin, prior arrest or conviction status, race, religion, Sabbath observance, sexual orientation, veteran status or other factors irrelevant to productive participation in the programs and activities of the college.

The federal and state laws that incorporate EEO components, include, among others:

- Title VII of the Civil Rights Act of 1964, as amended in 1991
- Title IX of the Education Amendments of 1972
- The Age Discrimination in Employment Act (ADEA) of 1967
- The Americans with Disabilities Act (ADA) of 1990
- Section 504 of the Rehabilitation Act of 1973
- The Immigration Reform and Control Act (IRCA) of 1986
- The New York State Human Rights Law

To implement the college's commitment to equal employment opportunity, affirmative action, and nondiscrimination, Empire State College:

- conducts affirmative action searches to fill vacant full-time positions for faculty, professional and executive staff, and follows New York State Civil Service Law for all classified appointments;
- broadly advertises vacant full-time positions among populations that are underrepresented to increase the likelihood that women and people of color are included in the applicant pool;
- ensures that all job advertisements indicate that Empire State College is an affirmative action, equal opportunity, Immigration Reform and Control Act, and Americans with Disabilities Act employer.
- provides each search committee for any full-time administrative, professional or faculty vacancy an orientation to the college's affirmative action, equal employment opportunity, and nondiscrimination policies and procedures at the beginning of the search process;
- monitors the search process to ensure that affirmative action procedures are being followed;
- provides reasonable accommodation for persons with disabling conditions;
- prohibits sexual harassment and discrimination and provides a confidential procedure for filing allegations of sexual harassment and discrimination;
- provides a complaint and grievance procedure for students and employees about which these groups are fully informed;
- provides periodic training on equal employment and affirmative action issues to employees;
- provides equal opportunity for professional development and promotion to all employees;
- formulates and administers employee benefits without discrimination.

B. American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973

Empire State College complies with the American with Disabilities Act of 1990 and with Section 504 of the Rehabilitation Act of 1973. No otherwise qualified individual with a disability will be excluded from participation in, be denied benefits of, or be subjected to discrimination in any activity of the college solely by reason of his or her disability.

A qualified person with a disability who meets the academic and technical standards for a position of employment with Empire State College program will be provided with reasonable accommodations to perform the duties of the job.

Requests for accommodation are considered on an individual basis and should be made to the Office of Human Resources, 1 Union Avenue, Saratoga Springs, NY, 12866. Telephone (518) 587-2100, ext. 2241.

A qualified person with a disability who meets the academic and technical standards to enroll in and participate in an Empire State College program will be provided an equal opportunity to obtain a degree in the most integrated setting appropriate to that person's needs. Empire State College will make reasonable accommodations to meet the needs of students with disabling conditions. Reasonable accommodations do not include academic adjustments that would fundamentally alter the nature, essential requirements, or academic standards of the program.

Each student's needs are considered on an individual basis. Students with disabling conditions should discuss their needs with their mentor or an administrator within their center, unit, or program, or with the college's Coordinator of Disability Services, Kelly Hermann, who works within the Office of Academic Affairs at the college's Coordinating Center in Saratoga Springs, New York. Questions or problems related to the disability services policy should be directed to the Office of Academic Affairs, Empire State College, 1 Union Avenue, Saratoga Springs, NY, 12866. Telephone: (518) 587-2100, ext. 2263.

C. Sexual Harassment

Empire State College is committed to ensuring an environment for all employees and students that is fair, humane and respectful. We strive to create an environment that supports and rewards student and employee performance on the basis of ability and effort. Sexual harassment is an unlawful employment practice under Section 703 of Title VII of the Civil Rights Act of 1964, as amended.

The Federal Equal Employment Opportunity Commission has defined sexual harassment as: "Unwelcome sexual advances, requests for favors and other verbal and physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

In an educational institution, the prohibitions against sexual harassment should be interpreted to apply to employees and, also, to students. A beneficial relationship between students and faculty seeks the establishment of trust, aims to increase knowledge and insight, and also to strengthen and encourage students in productive, independent functioning. In no way, therefore, should students be subjected to sexual

behavior that, either explicitly or implicitly, is a term or condition of academic decisions affecting them.

Empire State College prohibits such conduct. Thus, it is an official college policy that sexual harassment of either employees or students is not tolerated. The college accepts the proposition that sexual harassment, like any civil rights violation, generates a harmful atmosphere. The college acts positively to investigate alleged sexual harassment and to affect a remedy when an allegation is substantiated.

The State University of New York has a discrimination grievance procedure that is available for use by any employee, student, or candidate for employment who feels that he or she has been a victim of sexual harassment or other unlawful discrimination. Empire State College accepts and employs this procedure. Persons wishing to discuss an incident and inquire about this procedure may contact Affirmative Action Officer Mary Caroline Powers, Assistant Vice President for Human Resources Leslie Cohen, or the appropriate center dean or program director. All inquiries are handled with confidentiality and addressed promptly.

D. Gender Anti-Discrimination Guidelines

Empire State College's employment and personnel policies and practices are designed and implemented to ensure that there is no discrimination in hiring or other employment practices against male or female employees, applicants or students. In accordance with federal Department of Labor regulations, 41 CFR Part 60-20, the practices or policies listed below are implemented.

- Recruitment for all jobs is open to members of both genders unless gender is a bona fide occupational qualification for a particular job.
- Advertisements and notices of job openings do not express or imply a gender preference.
- Personnel policies state that there will be no discrimination against employees or applicants on the basis of gender.
- Employees of both genders have an equal opportunity to be considered for any promotional opportunities, unless gender is a bona fide occupational qualification.
- The college does not make gender distinctions in its decisions regarding any employment opportunity, wages, hours, retirement ages, training opportunities, or other terms and conditions of employment, including employee fringe benefits.
- No unfair distinctions are made between married and unmarried persons on the basis of gender.
- Appropriate and essentially equal facilities are made available for both genders.
- Maternity and other leaves are administered in a non-discriminatory manner without regard to gender, age, carrier status, citizenship status, color, disability, genetic predisposition, marital status, national or ethnic origin, prior arrest or conviction status, race, religion, Sabbath observance, sexual orientation, or veteran status, or other factors irrelevant to productive participation in the programs and activities of the college. Women disabled due to pregnancy, childbirth, or related medical conditions

are treated the same as they would be with any other medical disability and receive benefits in accordance with the health and disability plans available through the State University of New York and Empire State College.

- The college engages in aggressive affirmative action to recruit women by encouraging them to apply for all jobs but especially those jobs where women have been traditionally excluded or underrepresented.
- Under the Family Medical Leave Act (FMLA), leave for the purpose of caring for a newborn infant or for the adoption placement or foster care placement of a child will be granted to employees of both genders.
- In accordance with Title IX of the Educational Amendments of 1972, as amended, it is the policy of Empire State College that no person will, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally assisted program or activity at the college.

E. Religious and National Origin Anti-Discrimination Guidelines

In accordance with federal, state and local laws, Empire State College does not discriminate against applicants or employees on the basis of religion, creed, or national origin in any of the terms and conditions of employment, including recruitment, selection, promotion, tenure, demotion, non-reappointment, compensation, training or termination. Further, Empire State College complies with the authorization-to-work guidelines of the Immigration Reform and Control Act and verifies the employment status of all employees. Also, Empire State College makes reasonable accommodations for the religious observances and practices of its employees, whenever such accommodations may be made without undue hardship to the college.

V. DESIGNATION OF RESPONSIBLE INDIVIDUALS

A. President

The president of the college, Dr. Joseph B. Moore, who assumed the presidency on July 1, 2000, is ultimately responsible for ensuring the college's compliance with all local, state, federal, and State University of New York laws, regulations, policies, and guidelines regarding affirmative action and equal employment opportunity. Specifically, President Moore is responsible for:

- appointing and supervising the affirmative action officer;
- appointing an advisory Affirmative Action Committee to work with the president and the affirmative action officer;
- participating in the identification of problem areas and in the establishment of objectives, and timetables to achieve diversity in all employee groups;
- consulting periodically with the affirmative action officer regarding hiring and promotion practices to ensure the absence of impediments to the attainment of objectives and timetables for the college;

- providing leadership and support for the college's affirmative action efforts, as is necessary, to ensure that administrative leaders enforce the established recruitment, selection, and promotion procedures in their respective areas.

B. Affirmative Action Officer

Mary Caroline Powers, assistant to the president, is the college's affirmative action officer. She reports directly to the president of the college, is responsible for providing the leadership and administrative direction for the Affirmative Action Plan and for auditing its effectiveness. Because Empire State College operates 35 sites, its affirmative action and equal employment opportunity programs are decentralized. Thus, while overall leadership for the college's Affirmative Action Plan is provided by Mary Caroline Powers, day-to-day affirmative action concerns are managed by the college's deans and program directors at the college's various sites. The affirmative action officer is responsible for coordinating the implementation of the college's Affirmative Action Plan and equal employment opportunity policies among the college's vice presidents, deans and program directors at the college's various sites. The affirmative action officer chairs the college's Affirmative Action Committee. Specifically, the duties of the affirmative action officer include:

- developing, overseeing the implementation of, and monitoring the college's total affirmative action, equal employment opportunity, and diversity programs in collaboration with the assistant vice president for human resources;
- providing information and consultation for vice presidents, deans and program directors, search committees, and other college officials regarding recruitment and search efforts, interviewing techniques, discrimination topics, and new laws, regulations and guidelines affecting the foregoing;
- monitoring the college's search activities by
 - reviewing vacancy postings and advertisements;
 - reviewing and approving search plans;
 - calling attention to areas of underutilization at the outset of a search;
 - meeting with and providing information to search committees throughout the search process as needed;
 - reviewing recruitment documents, applicant logs and interview records;
 - reviewing and approving employment selections;
 - providing information regarding complaint procedures for current faculty and staff and applicants for employment;
 - conducting, coordinating, or supervising the investigations of complaints of discrimination and harassment;
 - analyzing and disseminating affirmative action data for annual reports and for developing the college's Affirmative Action Plan;
- serving as liaison between the college and campus interest groups or community groups concerned with promoting employment opportunities for members of federal and state protected groups;
- serving as liaison between the college and the State University of New York and its Research Foundation affirmative action offices;

- monitoring the college's search activities and, as appropriate, calling attention to areas of underutilization at the outset of a search by alerting search committees and the president and maintaining broad oversight of searches until an offer is made;
- identifying needs and coordinating and conducting appropriate training to implement the college's affirmative action and equal employment opportunity programs.
- annually updating the college's Affirmative Action Plan.
- receiving complaints of discrimination or harassment; and conducting investigations and developing resolutions as appropriate.

C. Vice Presidents of Empire State College

There are five vice presidents: Dr. Joyce Elliott, provost and vice president for academic affairs; Mr. William Ferrero, vice president for administration; Dr. Hugh Hammett, vice president for external affairs; Dr. Patricia Lefor, vice president for educational technology; and Dr. Robert Milton, vice president for enrollment management. Each vice president reports directly to the president and is responsible for the implementation of the college's Affirmative Action Plan and equal employment opportunity policies within her/his appropriate areas.

D. Office of Human Resources

The college's Office of Human Resources, primarily through Assistant Vice President for Human Resources Leslie Cohen, is responsible for:

- collection, maintenance and dissemination of appropriate data and records for all aspects of this plan;
- filing of annual utilization analyses and EEO-6 reports and VETS-100 reports;
- placement of all advertisements for job vacancies, ensuring they meet affirmative action standards;
- maintaining official records of all searches;

These duties are carried out in consultation with, and where appropriate, under the supervision of the college's affirmative action officer.

Specifically, the assistant vice president for human resources is responsible for:

- reviewing and updating utilization data in the Affirmative Action Plan annually;
- disseminating information, externally and internally, regarding the college's affirmative action, equal employment opportunity, and diversity programs, including, developing a web site for the programs as a source of information for employees and the general public;
- collecting and disseminating employee data for annual reports
- monitoring the college's search activities by
 - reviewing and posting vacancy announcements in publications and online;
 - providing information to search committees throughout the search process;
 - maintaining the college's search records;

An ad-hoc committee consisting of the affirmative action officer, an assistant director of the Office of Human Resources and the college's statewide coordinator for disability

services, in consultation with Assistant Vice President for Human Resources Leslie Cohen, currently handles ADA/504 issues including review of employee requests for reasonable accommodation of disabilities.

E. Administrators Responsible for Searches

Empire State College operates 35 different locations throughout the state of New York, in addition to its International Program and its distance learning programs. Many searches are completed through the various sites or programs that are physically separated from the college's Coordinating Center and the offices of the president, vice presidents, affirmative action officer, and the assistant vice president for human resources. Therefore, within such a decentralized system, it is important to recognize the responsibility assigned to regional deans and program directors for ensuring that searches are conducted in adherence with the college's affirmative action policies and procedures, and that all other policies within this plan are followed.

Deans and directors are expected to be familiar with the policies and procedures of this plan, to act as local and/or regional resources regarding these policies and procedures, and to assist any individual in the processing of a grievance, complaint or request for accommodation.

F. Affirmative Action Committee

The Affirmative Action Committee of Empire State College is appointed by and serves the president in an advisory capacity. Chaired by the affirmative action officer, the committee:

- reviews college policy and procedures and makes recommendations once a year to the president regarding suggestions and changes;
- reviews the annual statistical report from the prior year and engages in an analysis of it with the president offering appropriate recommendations;
- monitors and improves as necessary a college web site containing this plan and its policies and procedures, and develops this site as a resource for all employees, especially for those conducting searches;
- identifies, supports and engages in training activities related to affirmative action.
- serves as the pool from which members of the tripartite panel investigating discrimination and harassment cases are chosen.

VI. DRAFT EMPLOYMENT POLICIES AND PROCEDURES

(5/05) It is the policy of Empire State College to seek and receive affirmative action review and approval for all searches for full-time faculty, administrative and professional positions. The procedures for such review and approval are set forth below.

A. Search Procedures for Faculty, Professional and Administrative Positions

1. Starting the search

a. The appropriate Dean, Director or Vice President completes the Search Request Form (*Form A*.)

b. Concurrently, the Dean, Director or Vice President consults with the appropriate supervisor to review and finalize the job description, including specific requirements and qualifications for the job. If a faculty position, there is consultation with the VPAA regarding the details of the faculty position, including academic rank, tenure track, academic discipline, and program responsibilities.

c. The Dean, Director or Vice President appoints an individual to chair the search committee. Under special circumstances, the Dean, Director or Vice President may chair the search, following consultation with the Assistant Vice President for Human Resources and/or the Affirmative Action Officer.

d. The Dean, Director or Vice President and the Search Committee Chair, in consultation with the Office of Human Resources, develop a search budget and a search plan using the Search Plan Form (*Form B*) that includes:

- the job description with the required and preferred qualifications (including degrees, educational experience, special skills, etc.), and salary range on the Job Vacancy Template (*Form C*);
- a list of suggested and requested publications and other recruitment sources where the position will be advertised (including those likely to reach underrepresented groups);
- the Search Committee membership (striving to achieve appropriate gender and ethnic diversity), and the name of person assigned to staff the search;
- a description of the search process to include how applicants are selected for interviews, a timeline for the search process, how and when interviews are conducted, and the ideal number of candidates presented to Dean, Director or Vice President for final consideration and selection.

e. The Dean, Director or Vice President Forms A, B and C to the Human Resources Office. The forms are reviewed and approved by:

- the Vice President of Administration, who indicates that funds are available for the search and the position,
- the appropriate Vice President responsible for that position,
- the President,
- the Affirmative Action Officer,
- and the Assistant Vice President of Human Resources.

f. Once the position and search plan are approved and the job description agreed upon, the HR Office electronically notifies the Dean, Director or Vice President, and posts the position vacancy notice and places the advertisements.

The HR Office also alerts the search committee chair about the availability of a variety of search committee resources on the college's internal web site, that include:

- college fact sheet and benefits summary
- the college's search procedure and process
- all forms related to the search process(*see appendices*)

- guidelines for interview questions
- Equal Employment Opportunity federal and state laws

g. The Search Committee Chair arranges the first meeting of the committee to review the search processes, including the Affirmative Action Plan, demographic data on college employees, the Applicant Flow Log, the Pool Certification Form and the Search Documentation Form. At this meeting, committee members will review the job description and qualifications, develop protocol, and discuss confidentiality requirements for search committee members.

h. The Human Resources Department provides to search committee members password access to all resumes contained in a database for the specific search. Resumes received by mail or delivered by hand will be scanned into the electronic database by an HR staff member.

2. Maintaining the Applicant Log

a. The Human Resources Department ensures that an EEO self-identification form is mailed to each applicant who has not applied online. (Those who apply online, after submitting their resumes, are asked to complete a voluntary self-identification form online.) The Human Resources Department acknowledges all resumes that were received online or by other means.

b. After the appropriate date (end date for receipt of candidate materials, or beginning date for consideration of candidate materials), a partially completed Applicant Flow Log is generated and made available online to the Search Chair. The Search Committee meets and begins the process of identifying disposition codes for all candidates who apply, and makes note on the Applicant Flow Log the reasons for the ratings assigned candidates.

3. Selection of Candidates for Interviews

a. After the Search Committee has identified candidates it wishes to interview, and before contacting the candidates, the Search Committee Chair notifies the Affirmative Action Officer the disposition codes have been entered into the online Applicant Flow Log and transmits an Applicant Pool Certification Form, on which the names of candidates chosen for interviews are listed. The Affirmative Action Officer, based on information supplied voluntarily by candidates about their gender, race and ethnicity, determines the composition of the pool and matches it against U.S. Census availability data, federal Department of Education statistics or other appropriate data for the position being searched.

b. The Affirmative Action Officer then makes a determination about continuation of the search based upon:

- the data contained both on the Applicant Pool Certification Form and the utilization and availability data;
- the position itself (academic discipline, area of expertise);
- the geographic home for the position within the college;

- the extent of the advertising for the position

c. The Affirmative Action Officer responds promptly to the Search Committee Chair indicating:

- the search may proceed; or
- candidates selected for interview are not representative of the larger applicant pool, and requests more complete information regarding reasons why candidates from protected classes were not continued or may ask for re-consideration of those candidates, or
- the search may not proceed due to a failure to follow the college's affirmative action procedures.

In most instances, once the interview pool is certified by the Affirmative Action Officer, access for candidates to the online application submission process ceases. Exceptions to this are discussed by the Affirmative Action Officer and the applicable vice president.

d. Prior to scheduling applicant interviews, candidates of interest may be contacted to determine continuing interest, to confirm the salary range of the position, and to inform them that listed references will be checked.

4. Applicant Interviews

a. The Search Committee contacts selected candidates to arrange for interviews.

b. Interviews are structured. In general, the same or similar questions are asked of all candidates and the same amount of time is given to each candidate. Interviews are normally conducted in a similar way with all candidates. For example, if the search committee interviews some candidates by telephone because of their physical location, a local applicant should also be interviewed by phone. To the extent possible, all members of the search committee should be present for all interviews.

c. Equal opportunity guidelines about fairness and equity apply to the distribution of travel funds to applicants to participate in interviews.

5. Selecting an Applicant

a. Following completion of all interviews, the Search Committee reviews the candidacy of the remaining applicants and identifies the top qualified and appointable candidates for recommendation, and conducts any subsequent reference checks to its satisfaction on remaining candidates. The Committee submits its Search Documentation Form (*Form F*) to the appropriate Dean, Director or Vice President for completion. The Search Documentation Form includes the names of those candidates interviewed, the candidate(s) recommended by the Search Committee to the appropriate Dean, Director or Vice President, and the candidate selected by that hiring officer.

b. The Dean, Director or Vice President makes a contingent offer to the candidate of her/his choice among the group of candidates recommended by the search committee.

c. If that individual does not accept the offer, the Dean, Director or Vice President may make a contingent offer to one of the other recommended candidates, or close the search if there are reasons that the remaining candidates are not appropriate.

d. After a candidate has tentatively accepted the job offer, the Dean, Director or Vice President reports to the Human Resources Office (HR Office) by submitting an Appointment Form (*Form G*) with the salary, start date, any other relevant terms of employment and the resume of the selected candidate. The HR Office prepares an official appointment letter offering the appointment for signature by the President.

6. Maintaining Search Records

a. Resumes of all candidates who applied for the position will be retained for three years by the hiring center or program.

b. The Affirmative Action Officer will maintain a file on the search that contains copies of the applicant flow log, the interview pool certification form and the search documentation form for three years.

c. The Human Resources Office will maintain a search file that contains the Search Request Form (*Form A*), the Search Plan (*Form B*), the Job Vacancy Template (*Form C*), and the Appointment Form (*Form G*) for three years.

7. Search Waivers

In cases of emergency, full-time positions may be filled on a temporary basis (not longer than one year), until an affirmative action search is subsequently conducted. To fill a full-time position on a temporary basis, the department seeking to hire must provide a written justification to the college's Affirmative Action Officer. The Affirmative Action Officer will present all valid requests to the college President who will make a determination about whether to grant the waiver. No waiver of a search will be granted for longer than a one-year period, unless authorized in writing by the President. The President may also undertake consideration of waivers of job requirements.

8. Affirmative Action Orientation

a. Training sessions about ESC search processes and the laws and regulations regarding affirmative action and equal employment opportunity will be provided two or three times per year in ways accessible to ESC employees.

b. The chair of each search committee for a full-time position must have participated in an orientation to ESC searches and affirmative action within three years of the time of the search.

c. Each search committee must include at least one other employee who has participated in an orientation to ESC searches and affirmative action.

d. The list of college employees who participate in ESC search and affirmative action orientation sessions (and the date of their participation) will be maintained on the institutional intranet, which will also contain a copy of the college's Affirmative Action Plan and all forms related to the search process. The Affirmative Action Officer and HR Office will offer orientation sessions on a regular basis.

e. Members of the President's Council will participate in biennial information sessions regarding ESC search processes and the laws and regulations regarding affirmative action and equal employment opportunity.

B. Classified Staff Recruitment, Selection, Placement and Retention

All classified staff appointments are governed by Civil Service rules and regulations. Forms A and G must be submitted to the HR office for searches for classified employees.

VII. DISSEMINATION OF POLICY AND PROCEDURES

A. Internal Dissemination

A statement of the college's commitment to affirmative action and equal opportunity policy is in the faculty and professional employee handbooks, in new employee orientation material, in the college catalogue and on the college's web site. A copy of the Affirmative Action Plan is placed in the offices of the president, all vice presidents, deans and program directors, the affirmative action officer, and the Office of Human Resources and is available for inspection at every Empire State College site. Additionally, the policy is available for review on the college's intranet and its web site,

The college ensures that its executive and managerial staff is kept abreast of relevant policy and procedural changes, and their respective responsibilities with regard to them. Notice of the reaffirmation of policy is included in the college's annual Affirmative Action Plan and Search Procedures and Guidelines, updated annually each July 1, and is distributed to every department or unit that engages in an employment search.

The policy is discussed at new employee orientations.

Posters, provided and distributed by the Office of Human Resources, displaying the college's compliance with equal employment opportunity, affirmative action, and diversity guidelines, are displayed at locations throughout the college community.

College publications display women, minorities, veterans, and persons with disabilities.

The non-discrimination clauses will be set forth in all purchase orders and contracts with entities with whom the college does business.

B. External Dissemination

The policy is stated in publications distributed to the general public, the AA/EEO/IRCA/ADA employer tagline is used on Empire State College employment announcements. Sub-contractors, vendors and suppliers are expected to comply with non-discrimination laws and receive information about the college's Affirmative Action Plan and its policies.

Assistant Vice President for Human Resources Leslie Cohen, Affirmative Action Officer Mary Caroline Powers and the Affirmative Action Committee, oversee a web site for affirmative action, equal employment opportunity, and diversity at Empire State College. This site serves as notice of the college's commitment to these issues and as a resource for anyone seeking information about the college's policies.

VIII. ANNUAL REPORT

A. *Workforce Analysis*

The workforce analysis is defined as a listing of each job title as it appears in applicable collective bargaining agreements or payroll records (not as they appear in job group or affirmative action units) ranked from lowest paid to the highest paid within each department or similar organizational unit including department or unit of supervision. For each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the minority groups, are provided.

B. *Utilization Analysis*

A utilization analysis is conducted to determine the levels of participation by protected classes in the college's employment, according to specified job groups. The analysis is used to compare female and minority representation in the college's workforce with the external availability of qualified persons belonging to the same groups on national, state and local levels. The tabulations are based on the EEO6 job group categories established by the Equal Employment Opportunity Commission, as follows:

- Executive/Administrative/Managerial (ie: president, vice president, dean, director, assistant director, etc.) Empire State College has subdivided this group into two groups: Executive (members of the President's Council) and Managerial (non-President's Council members in supervisory positions).
- Faculty (ie: professor, associate professor, assistant professor, instructor, librarian, etc.) This job group has been subdivided into two groups: full-time faculty and part-time faculty.
- Professional Non-faculty (ie: purchasing agent, student services specialist, bursar, staff associate, etc.)
- Secretarial/Clerical (ie: keyboard specialist, secretary I, calculations clerk, data entry machine operator, etc.)
- Technical/Paraprofessional (ie: senior computer operator, lead programmer, instructional support associate, etc.)
- Skilled Crafts (ie: maintenance supervisor I, motor equipment mechanic, plumber, etc.)
- Security Services/Maintenance (ie: campus public safety officer II, senior grounds worker, laborer, etc.)

2-Point Factor Availability Analysis:

The Utilization Analysis is conducted to determine the availability of each protected class as a percentage of persons with the requisite skills:

- Internally, through an analysis of those employees promoted, transferred and trained.
- Externally, through an analysis of the availability of members of protected classes in specific group groups within a reasonable recruitment area.

C. Findings of Utilization Analysis

The utilization analysis snapshot was taken the second payroll period of March 2006 and revealed underutilization of females in two job groups: skilled crafts by 5.8 percent or 1 FTE and in maintenance by 11.2 percent or 1 FTE.

The utilization analysis also revealed the following underutilization of minorities in all EEO6 job groups as follows:

Executive/Administrators by 3 percent or 1 FTE; Managerial/Supervisors by 15.5 percent or 3 FTE; Faculty by 6.6 percent or 73 FTE; Professionals by 16.2 percent or 24 FTE; Clerical by 18.2 percent or 38 FTE; Technical by 18.7 percent or 4 FTE; Skilled Crafts by 3.8 percent or 1 FTE; and Maintenance by 12.2 percent or 1 FTE.

D. Availability Assessment

1. Administration Job Groups – The above analysis was based on national availability using U.S. Department of Education/Center for Educational Statistics data as culled from IPEDS reports.

2. Faculty Job Groups - The above analysis was based on national availability using U.S. Department of Education/Center for Educational Statistics data as culled from IPEDS reports.

3. Professional/Classified/Technical/Skilled Crafts/Maintenance Staff - The above analysis was based on national and/or regional availability using U.S. Census Department data as culled from the 2000 national census.

E. Adverse Impact Ratio Analysis

1. Terminations: a total of 269 employees were “termed” or left the college between March 2004 and March 2005. Of that group, 204 or 76 percent were faculty members, the vast majority of whom were adjuncts. The remaining 24 percent were from all other employee groups.

a. In the “termed” group, 29 or 10.7 percent were minorities – 16 Blacks, 7 Hispanics, 4 Asians, 2 American Indians

b. In the same group, 144 or 53.5% were women

2. Hires to Applicants Ratio

a. Minority and Female Hires – Between March 2004 and March

2005, in the Administrative job group, 1 African American male was hired. Among faculty, of the 10 hires made, 7 were female, and of those 1 identified as Asian and another as being a member of an "other multi-racial" group. Additionally, among the ranks of professional employees, 26 hires were made and included 1 Black male and 1 Asian male, and 10 females, 1 who is Asian and 1 who identified as being Black and White.

F. Promotions/Advancements

An analysis of promotions at Empire State College from March 2004 to March 2005 revealed the following:

21 employees were promoted; 9 (42.8 percent) were male and 12 (57 percent) were female; 20 (95 percent) were white and 1 (5 percent) was Asian.

IX. ACTION-ORIENTED PROGRAMS AND STRATEGIES

To reduce underutilization of protected classes, and promote its commitment to equal opportunity employment, the college will engage in a variety of affirmative action activities to include, but not be limited to:

- providing training for all employees in sexual harassment and discrimination prevention and the filing of complaints of harassment and discrimination;
- training administrators, search committee members and other interested employees in affirmative action policy, search procedures and equal employment opportunity law;
- identifying and employing alternative advertising sources for job postings that reach members of protected classes, with emphasis on internet source;
- supporting college presentations and educational opportunities related to diversity and affirmative action, including those offered online;
- encouraging involvement by faculty and staff in organizations and activities that promote cultural and ethnic diversity in the many communities where the college has sites and beyond;
- Integrating into the college's Strategic Plan for 2006-10 a diversity initiative and ensuring that responsibility for implementation of all aspects of the initiative is assigned.

X. GOALS AND TIMETABLES

During the next year (July 1, 2006 – June 30, 2007), the college will work to increase minority representation in all job groups from 1A through 7. Additionally, it will seek to increase female representation among its administrative, skilled crafts and maintenance job groups. See Appendix 1.

XI. AFFIRMATIVE ACTION PROGRAM FOR PEOPLE WITH DISABILITIES, AND DISABLED AND VIETNAM ERA VETERANS

A. Introduction

Empire State College recognizes its obligations as a federal contractor and subcontractor bound by the provisions of Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Act of 1974 (38 U.S.C. 4212) as amended, and the regulations promulgated pursuant thereof, to take affirmative action and to advance qualified special disabled veterans and veterans of the Vietnam Era at all levels of employment. The college's purpose in adopting the plan is to utilize qualified individuals with handicaps, Vietnam era and special disabled veterans to their full potential throughout the college.

B. Policy

It is the policy of Empire State College to employ qualified individuals from the applicable labor market in all employment levels within the college, without regard to disability or veteran status and with due regard to job performance, experience and qualifications, except to the extent that a reasonable accommodation cannot be made to an individual's disability.

In accordance with this policy, all personnel decisions regarding hiring, advancement and upgrading, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay, or other forms of compensation, and selection for training or educational programs are made in a manner to further the principle of equal employment opportunity.

C. Responsibility for Implementation of the Policy

All levels of management at the college have responsibility for implementing the Affirmative Action Plan, and equal employment and diversity program and policies. Ultimate responsibility lies with the college president, Dr. Joseph B. Moore. Dr. Moore has appointed Mary Caroline Powers to be the college's affirmative action officer reporting directly to him. Ms. Powers has the authority to delegate certain duties related to implementing the policy to others as appropriate, such as Assistant Vice President for Human Resources Leslie Cohen.

D. Internal Dissemination of Policies

A statement of the college's commitment to affirmative action and equal opportunity policy is in the faculty and professional employee handbooks, in new employee orientation material, in the college catalogue and on the college's web site. A copy of the college's Affirmative Action Plan is placed in the offices of the president, all vice presidents, deans and program directors, the affirmative action officer and the Office of Human Resources, and is available for inspection at every Empire State College site. Additionally, the policy is available for review and on the college's intranet and its web site, as well as with the

affirmative action officer located at 1 Union Avenue, Saratoga Springs, NY 11286, telephone, (518) 587-2100.

E. Personnel Policies and Procedures

1. Physical and Mental Qualifications

In order to ensure a careful, thorough and systematic consideration of job qualifications, the Office of Human Resources and the affirmative action officer review requirements on an ongoing basis to ensure that physical and mental job qualification criteria are job-related and are consistent with business necessity and safe job performance.

2. Accommodations for Physical and Mental Disabilities

The college makes reasonable accommodations for the physical, medical, mental, and psychological disabilities to the extent that such accommodations do not cause an undue hardship on the college. Review of such requests from college employees is undertaken by a committee, which is described under Section V, Part D.

3. Compensation

In offering employment upgrades, promotions, etc., the college does not reduce the amount of compensation offered because of income, pension or other benefit the applicant or employee receives from another source based on a disability.

4. Facilities

The college adheres to the laws providing for access to public building and facilities. As appropriate, wheelchair ramps and side rails are added.

F. Audit and Reporting Systems

The affirmative action and equal employment opportunity programs of the college are regularly reviewed for compliance with the letter and spirit of the law. Any areas of deficiency are resolved upon identification.

APPENDIX I

EMPIRE STATE COLLEGE JOB GROUP ANALYSIS AVAILABILITY VS. INCUMBANCY MARCH 2006						
Job Group	Description	Total in job group	Females in job group raw # / %	Female availability *	Minority in job group raw # / %	Minority Availability *
1A	Administrators	24	11 / 45.83%	47.50%	2 / 8.33%	15.50%
1B	Supervisors	18	14 / 77.78%	57.50%	0 / 0%	15.50%
2	All faculty	1108	580 / 52.34%	41.30%	130 / 11.80%	18.40%
2A	<i>Full-time faculty</i>	<i>147</i>	<i>85 / 57.8%</i>	<i>41.30%</i>	<i>18 / 12.24%</i>	<i>18.40%</i>
2B	<i>Part-time faculty</i>	<i>961</i>	<i>493 / 51.3%</i>	<i>41.30%</i>	<i>114 / 11.86%</i>	<i>18.40%</i>
3	Professionals	147	94 / 63.95%	60.27%	10 / 6.80%	23%
4	Clerical	211	196 / 92.89%	74.10%	27 / 12.80%	31%
5	Technical	23	12 / 52.17%	43.30%	0 / 0%	18.70%
6	Skilled crafts	7	0 / 0%	5.80%	0 / 0%	3.80%
7	Maintenance	10	4 / 40%	51.20%	3 / 30%	42.20%
TOTALS		1448	901		172	

**Weighted national/regional norms based on availability statistics from U.S. Census Bureau and Digest of Education Statistics*

KEY

1A	Executive	3	Professional
1B	Supervisory	4	Clerical
2	Faculty (all)	5	Technical
2A	Full-time Faculty	6	Skilled crafts
2B	Part-time faculty	7	Maintenance