

Plan for Equal Opportunity and Affirmative Action

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Foreword

The University of Missouri Plan for Equal Opportunity and Affirmative Action is a statement of UM's principles and policy on this subject. The plan, sent to the U.S. Department of Health, Education and Welfare on Jan. 5, is believed to meet the requirements of the Civil Rights Act of 1964, Executive Order 11246 and the Title IX Amendments of 1972. The system's equal opportunity committee was chief framer of the plan, with final approval by President C. Brice Ratchford.

The University's next responsibility is to develop implementation plans for each of the four campuses, the central administration and extension. These plans will contain the specific details, goals and timetables to be used in achieving equal opportunity at UM.

Because of the importance of the implementation plans, the system committee welcomes comments and discussion on this or the implementation plans from University faculty, staff and students.

EEO/AA Committee

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Introduction

The University of Missouri is committed to equal employment and education opportunity, without regard to conditions of race, color, sex, religion, national origin, age or physical ability which are irrelevant to the physical or mental demands of the position or proposed course of study.

The University also is committed to affirmative action to enhance equal opportunities for all.

Each administrative unit of the University employing personnel, admitting students or entering into contracts is charged with implementation of the University's commitments, and with maintaining records to demonstrate good faith efforts, in admission and training, recruiting and hiring, compensating and promoting, layoff and dismissal, granting of tenure, contracting and purchasing, availability of facilities and programs.

As a public institution, the University has an especially strong moral obligation to provide equality of opportunity.

As a publicly supported institution, the University has special legal obligations under state and federal laws and executive orders.

As an employer of persons and as an institution accountable to taxpayers and the general public, the University must have administrative and management practices that are designed for the best use of talent for operational effectiveness and efficiency.

Implementation

1. Recruitment and employment of personnel
 - a. Recruitment of teachers and academic personnel in research and extension is primarily the responsibility of deans, directors, chairpersons and other department heads.
 - b. Recruitment of administrative, service and support staff, except for top-ranking administrative personnel, is primarily the responsibility of the personnel officer of each campus, and the director of Personnel Services for the central administration. However, selection is the responsibility of the administrative head of the employing unit.
 - c. Sources of personnel will be advised of the University's commitment to equal opportunity and affirmative action. The University will develop and expand relationships with governmental agencies, community groups and other organizations which may be of assistance in furthering recruitment and employment of more minority group and handicapped persons and women into departments and units which have imbalances.
 - d. Imbalances exist when the available, qualified talent among specified minorities, women and handicapped or older groups is proportionately under-represented in the particular personnel category in the University. The appropriate employment market is generally national or regional for teachers, academic personnel in research and extension and major administrators. It is generally state or local community for most administrative positions and for service and support staff.
 - e. Approximate salary, educational requirements, desired experience and specialty requirements will be established for a particular academic or ranking administrative position by the department or other administrative unit prior to recruiting and evaluating candidates or prospects. Personnel advertising and recruiting literature will not indicate qualifications of race, color, sex, religion, national origin, age or physical ability which are irrelevant. Any such limiting specifications of relevance must be approved in advance by the appropriate vice president, personnel officer, dean, director, chairperson or other officer and be reported to the appropriate committee monitoring equal employment opportunity and affirmative action.
 - f. Advertisements and notices of employment opportunities will indicate a filing date for consideration.
 - g. Notice of employment and training opportunities will be made to existing personnel.
 - h. Employment application forms and goods and services contracts will meet federal and state requirements relating to equal opportunity.
 - i. The administrative heads of University units authorized to recruit and employ personnel will maintain records to demonstrate efforts and results of efforts to achieve equity and to act affirmatively and reasonably to correct imbalances.
2. Salaries, wages and benefits
 - a. University compensation and benefit programs will be administered without regard to conditions of race, color, sex, religion, national origin, age or physical ability.
 - b. The salary range for academic positions will be determined in advance of advertising, notice or recruiting on the basis of prevailing national levels and departmental scales for the educational attainment, experience and specialty desired.
 - c. The salary or wage rate for administrative, service and support personnel will be determined on the basis of competitive salaries and wages for similar work in appropriate labor markets and established University wage scales, without regard to conditions of race, color, sex, religion, national origin, age or physical condition.
3. Facilities, activities and working conditions
 - a. University facilities will be maintained on an equitable and nondiscriminatory basis.
 - b. Affirmative action will be taken to assist physically handicapped persons to have adequate University facilities within limits of financial resources available and obtainable.
 - c. Opportunities for involvement in University activities will be provided on an equitable or nondiscriminatory basis.
4. Promotion and training
 - a. Promotions, contract renewals, the granting of tenure and reductions in force of academic personnel will be in accordance with established University procedures and free of discrimination except for performance and qualification criteria already established for all persons.
 - b. Promotions, demotions, layoffs, recalls from layoffs, transfers and filling of temporary openings for service and support personnel will be determined without regard to conditions of race, color, sex, religion, national origin, age or physical ability which are irrelevant to the duties to be performed.
 - c. Participation in training and educational programs sponsored by the University, including apprenticeships, will be open to all employees within eligible job classifications. The director of personnel for the University will work with the campuses to formulate specific programs to benefit the maximum possible number of employees.
 - d. The University will offer training to improve skills of employees that may enhance promotional potential. Training will include programs to correct background deficiencies.
5. Student admission and retention
 - a. The University will give students equal access to its academic programs without regard to conditions of race, color, sex, religion, national origin, age or physical ability. Furthermore, the University will seek to recruit, enroll, retain and graduate minority group members and women in those fields in which they are under-represented.
 - b. The University of Missouri has unique responsibility for graduate and professional public higher education in the State of Missouri. Therefore, academic departments offering doctoral and/or advanced professional programs in disciplines and professions in which there is a deficiency of minority group members and women, relative to population, will adopt methods to encourage enrollment, retention and graduation of minority group members and women.
6. Contracting and purchasing
 - a. In contracting and purchasing, and in selecting agents who will contract and purchase, the University will require a commitment of the contractor and further strive to ensure adherence to equal employment laws and regulations.
 - b. Invitations for bids on University business will carry language set forth in Appendix A(1).
 - c. Specifications prepared by the University, or by architectural and engineering firms retained by the University, will carry language set forth in Appendix A(2).
 - d. Purchase orders of the University will carry language set forth in Appendix A(3).
7. Appeal and grievance procedures
 - a. Informal procedures will be established in all University units to receive and process complaints and grievances of alleged discrimination based on conditions of race, color, sex, religion, national origin, age or physical ability which are irrelevant.
 - b. A formal affirmative action grievance appeal procedure for faculty and staff is set forth in Appendix B.
 - c. A student grievant will have access to the established channels of appeal through department, school or college, campus, central administration and governing board.
 - d. A staff affirmative action officer may be designated by the responsible administrative officer to counsel a grievant concerning the grievance procedures.
8. Records and reports
 - a. The administrative head of each University unit will be prepared to demonstrate that equal opportunity is practiced and affirmative action is taken in: recruiting and employment of full-time and part-time personnel, admission and retention of students, provision of facilities and programs, purchasing and contracting.
 - b. Admission and employment applications and contract bids will be retained for a least two years by the responsible unit, and each responsible administrative unit of the University will be prepared to show that procedures followed and selections made were in compliance with policies on equal opportunity and affirmative action.
 - c. The employing unit will be prepared to document that selection of a particular candidate from among a group of candidates was in full compliance with policies on equal opportunity and affirmative action.
 - d. Those responsible for recruiting, admitting and retaining students—undergraduate, graduate and professional—will maintain files and records documenting their efforts to provide equal opportunity for and act affirmatively to attract and retain minority group members, women and older and handicapped persons. A report will be made at least annually to the appropriate EEO/AA (equal employment opportunity/affirmative action) committee.
 - e. Campus administrative officers will have

records demonstrating efforts to provide equal opportunity and show affirmative action in the interests of minority group members, women and handicapped and older persons in the availability and use of University facilities, including housing and recreational facilities. A report will be made at least annually to the appropriate EEO/AA committee.

- f. Those responsible for recruiting and employing personnel, including graduate teaching and research assistants, will have records to show their adherence to equal opportunity and affirmative action practices. A report will be made at least annually to the appropriate EEO/AA committee.
 - g. Those responsible for purchasing and contracting will maintain records showing adherence to University policies on equal opportunity and affirmative action. A report will be made at least annually to the appropriate EEO/AA committee.
 - h. Academic or administrative units receiving complaints or grievances based on allegations of discrimination will report those cases to the appropriate EEO/AA committee immediately, whether or not the committee is a step in the grievance review procedure of the campus or other University unit.
9. Review and monitoring
- a. A University Committee on Equal Employment Opportunity and Affirmative Action (EEO/AA) will be appointed annually by the President of the University.
 - b. A campus EEO/AA committee will be appointed annually by each chancellor.
 - c. The vice president for University Extension will appoint annually an EEO/AA committee for University Extension.
 - d. EEO/AA committee membership will include a reasonable cross section of personnel, including a representation of women, minorities and the handicapped.
 - e. EEO/AA committees shall have among their duties the following:
 - (1) Develop and propose to the appointing officers procedures for carrying out equal opportunity and affirmative action policies, including guidelines and time schedules in situations needing special attention.
 - (2) Review and monitor equal opportunity and affirmative action practices through periodic reports from operating units, both academic and service-support.
 - (3) Review at least annually pre-employment tests and criteria for promotion and training opportunities.
 - (4) Advise the appointing officers on progress and deficiencies in equal opportunity and affirmative action practices, and recommend improvements in policies and practices.
 - (5) Evaluate information from national and regional offices of enforcement agencies to help establish reasonable employment goals.
 - (6) Review recruiting efforts and retention of students to assure that equal opportunity is available to all and that affirmative action policies of the University are being implemented.
 - f. The central administration, University Extension and each campus may have one or more staff affirmative action officers to assist the responsible administrative officer in carrying out equal opportunity and affirmative action policies. A staff affirmative action officer may be designated by the responsible administrative officer to counsel a complainant concerning the grievance procedures.
 - g. Administrative officers (president, vice presidents, chancellors, deans, directors, department chairpersons and all other supervisory personnel) are responsible for implementation of equal opportunity and

affirmative action policies and practices within their areas of jurisdiction, and the effectiveness of implementation will be an element in the evaluation of the performance of each officer. Appendixes C, D and E list current members of the University-wide EEO/AA Committee and the University Cabinet and present campus officers directly responsible for equal opportunity and affirmative action.

10. Dissemination
- a. Equal opportunity and affirmative action policies and programs will be disseminated throughout the University and discussed at appropriate school, college, departmental, management and supervisory meetings. Among subjects to be covered are attraction, admission and retention of students; recruitment, employment, training, promotion and transfer of employees.
 - b. University employees, faculty, staff and students will be kept informed of equal opportunity programs and affirmative action goals through University and campus publications and communications, the *Business Policy and Procedure Manual*, divisional and departmental meetings, staff orientation programs, posters, etc.
 - c. A cross section of community organizations, news media, area colleges, secondary schools and recruiting sources will be furnished copies of equal opportunity and affirmative action programs of the University and informed of revisions of the University's nondiscrimination policies.
 - d. Copies of the complete statement of programs will be made available on request to employees, applicable government agencies and contractors or subcontractors.
 - e. University invitations to bid, purchase orders and specifications to architects and engineers will indicate the University's equal opportunity policy.
 - f. University correspondence, employment notices and advertising, academic information and other public notices will indicate the University's equal opportunity policy.

Appendix A

Bids, Contracts, Purchase Orders

Appendix A(1)—Bids

The University of Missouri is an equal opportunity employer, pursuant to federal and state law and regulations, and all bidders submitting bids shall be considered to be equal opportunity employers in compliance with federal and state laws, unless the bidder sets forth on the bid form to the contrary.

Appendix A(2)—Contracts

Nondiscrimination in Employment

Equal Opportunity: During the performance of this contract the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by an appropriate agency of the federal government setting forth the requirements of these nondiscrimination provisions.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising that the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions

of Executive Order No. 11246 of September 24, 1965, and of rules, regulations and relevant orders of the secretary of labor.

- (e) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records and accounts by an appropriate agency of the federal government and by the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- (f) In the event of the contractor's noncompliance with the equal opportunity conditions of this contract or with any such rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part, and the contractor may be declared ineligible for further government contracts, or federally assisted contracts, in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in said executive order, or by rule, regulation or order of the secretary of labor, or as otherwise provided by law.
- (g) The contractor will include this subparagraph and the preceding six (6) subparagraphs in every subcontract or purchase order unless exempted by rules, regulations or orders of the secretary of labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or vendor as the appropriate agency of the federal government may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the appropriate agency of the federal government, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- (h) Exemptions to the requirements of the above equal opportunity conditions are contracts and subcontracts not exceeding \$10,000, and contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited in the United States.

Appendix A(3)—Purchase Orders

The University of Missouri is an equal opportunity employer, pursuant to federal and state law and regulations, and all vendors shall be considered to be equal opportunity employers in compliance with federal and state laws, unless vendor notifies the University's director of purchasing to the contrary.

Appendix B

Affirmative Action Grievance Appeal Procedure

- I. The administration and the Board of Curators recognize the importance of providing a prompt and efficient procedure for fair and equitable resolution of complaints or grievances alleging discrimination on the basis of race, color, sex, religion, national origin, age or physical handicap. Accordingly, employees are encouraged to use the grievance appeal procedure without fear of prejudice or reprisal for initiating a grievance or participating in its settlement.
- II. A. A complaint or grievance is defined as an allegation that:

The grievant has been improperly discriminated against in the interpretation or

application of a University policy, regulation or procedure relating to the privileges or terms and conditions of employment.

- B. Complaints concerning matters governed either by the academic tenure regulations or the non-academic personnel grievance procedure are not subject to this affirmative action grievance appeal procedure, but such complaints may be appealed in accordance with the respective provisions of those policy statements. The same issue may not be processed twice, that is, under one of the aforementioned plans, as well as this procedure.

III. The grievant and the University may fully present testimony and documentary evidence in support of the position taken on the issue.

- IV. A. To the extent practical, all complaints and grievances should be settled through informal discussions at the lowest possible administrative level, and may be discussed with progressively higher administrators in a mutually sincere effort to reach an acceptable settlement.

Charges of alleged discrimination need be reduced to writing and processed as a formal grievance only when a fair and equitable solution has not been reached in the informal discussions.

- B. Any aggrieved person or administrator may obtain advice and assistance from the affirmative action officer of the involved administrative unit and/or the personnel officer whose responsibilities are not that of an advocate for either party.

V. A person who has a complaint or grievance must initiate action under Step 1 within thirty (30) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the complaint or grievance has arisen.

A grievant who does not process or appeal a complaint or grievance in accordance with the time limits specified herein shall be deemed to have accepted the last decision rendered by the University, unless the time has been extended by mutual agreement and confirmed in writing. The number of days indicated at each step of the procedure shall be considered as the maximum period, and every reasonable effort should be made to expedite the process. In the event the University fails to make a timely response as herein provided, the grievant may appeal to the next higher administrative level.

VI. When the grievance alleges discrimination in an action taken by someone above the chairperson or one's immediate supervisor, the grievant may initiate the appeal process either informally or formally at the next higher administrative level above that at which the allegedly discriminatory decision occurred.

VII. The filing or appeal of a grievance shall not prevent the University from taking the action complained of, subject, however, to possible change or adjustment based on the final disposition of the grievance.

VIII. The steps of the appeal procedure are:

Step 1.

- A. An employe shall be given an opportunity within fifteen (15) calendar days of his or her request to meet and confer with the department chairperson or unit supervisor for the purpose of attempting to resolve a complaint or grievance by informal discussion.
- B. If the parties have not resolved the complaint or grievance within fifteen (15) calendar days after the close of the review under (A) above, the grievant may proceed to Step 2.

Step 2.

- A. The grievant may request an opportunity to meet and confer informally with the head of the next higher administrative unit or he or she may do so in writing, giving fully the nature of the alleged discrimination and the remedy sought. The grievant shall be given an opportunity, within fifteen (15) calendar days after his or her request, to meet and discuss the matter in an effort to resolve the grievance. The administrative officer to whom the request was made will respond to

the grievant within fifteen (15) calendar days, and the answer shall be in writing, if requested.

- B. If no mutually satisfactory settlement has been reached in Step 2, the grievant may proceed to Step 3.

Step 3.

- A. No later than fifteen (15) calendar days after the date of the University's response in Step 2, the grievant may file with the appropriate chancellor or vice president a written request for a review of his or her grievance.

- B. 1. Within fifteen (15) calendar days of the receipt of such request, the chancellor or vice president, or designated representative, shall either:

- a. Meet and confer with the grievant in an effort to resolve the grievance, or
- b. Establish an ad hoc Grievance Review Panel to informally review the facts and report its findings, with or without recommendations, to the chancellor or vice president as soon as practical.

2. a. If option (b) above is followed, the ad hoc Grievance Review Panel shall be named from a previously approved pool in accordance with procedures adopted by the campus or administrative unit. The membership shall be nondiscriminatorily representative of the faculty or respective administrative unit.

- b. During the review process, the panel on its own initiative may seek through mediation with the parties a mutually satisfactory disposition of the grievance, or may informally urge reconsideration of the grievant's complaint by the appropriate administrative officers or may informally urge withdrawal or modification of the complaint by the grievant.

- c. The Grievance Review Panel's informal review of the facts shall not constitute a formal hearing and a formal record of the discussions shall not be made by electronic taping, stenographic notes, or otherwise.

- d. In its report of findings to the chancellor or vice president, the panel may indicate whether it believes there are apparent grounds to support the grievance upon which relief may be granted, or whether the complaint is frivolous or too minor to warrant further consideration.

- C. A written decision by the chancellor or vice president shall be rendered within fifteen (15) calendar days after either the discussion provided for in paragraph B (1) (a) above, or after receiving the report from the Grievance Review Panel, provided for in paragraph B (1) (b) above.

- D. If the matter has not been satisfactorily settled at Step 3, the grievant may appeal to Step 4.

Step 4.

- A. No later than thirty (30) calendar days after receipt of the University's response at Step 3, the grievant may file with the president a written request for a review of the matter, enclosing copies of the original complaint or grievance and all relevant materials, including copies of the University's written responses which were provided at the preceding steps of this procedure.

- B. 1. Within fifteen (15) calendar days, the president shall designate a hearing officer to serve the president in an advisory capacity by conducting a hearing on the merits of the complaint after which he or she will make a finding of fact and recommendations to the president for disposition of the charge of discrimination.

2. The hearing officer shall establish the procedure for the evidentiary hearing,

which shall include the right of all parties to call witnesses and cross-examine witnesses. The hearing officer also will have the right to rule on objections and procedural questions raised by counsel.

3. All oral and documentary evidence and all arguments shall be presented in closed hearings.

4. The president shall render a written decision to the grievant no later than fifteen (15) calendar days after receiving the hearing officer's report. The president's decision shall be final and binding on all parties.

- IX. Each campus, University Extension and the central administration may supplement, but not contravene, the foregoing in order to provide intermediate steps and the interrelations between peer and administrative responsibility.

Appendix C

EEO/AA Committee

(see page 1)

Appendix D

Administrative Officers*

Dr. Merl Baker, special assistant to the president, 700 Lewis Hall;

Mr. A. Lee Belcher, assistant to the president for employe relations, 800 Lewis Hall;

Mr. R. H. Bezoni, vice president for finance and treasurer, 215 University Hall;

Dr. Raymond L. Bisplinghoff, chancellor, University of Missouri-Rolla;

Mr. Dale O. Bowling, vice president for business management, 225 University Hall;

Mr. Phil E. Connell, executive assistant to the president, 321 University Hall;

Dr. Ardath H. Emmons, vice president for research, 309 University Hall;

Dr. Melvin D. George, vice president for academic affairs, 309 University Hall;

Dr. Arnold B. Grobman, chancellor, University of Missouri-St. Louis;

Mr. Jack H. Hamilton, assistant to the president for communications, 215 University Hall;

Dr. James C. Olson, chancellor, University of Missouri-Kansas City;

Dr. C. B. Ratchford, president, 321 University Hall;

Dr. Joe L. Saupe, director, institutional research, 309 University Hall;

Dr. Carl N. Scheneman, vice president for extension, 309 University Hall;

Dr. Herbert W. Schooling, chancellor, University of Missouri-Columbia;

Dr. A. G. Unklesbay, vice president for administration, 321 University Hall;

Mr. Jackson A. Wright, general counsel to the Board of Curators, 227 University Hall.

*Offices in Columbia, unless otherwise indicated

Appendix E

Affirmative Action Officers

UMC

Dr. Walter C. Daniel, vice chancellor, 101 Jesse Hall;

Dr. Owen J. Koeppe, provost for academic affairs, 114A Jesse Hall;

Dr. John F. McGowan, provost for administration, 110 Jesse Hall.

UMKC

Dr. Wesley J. Dale, provost, 221 Administration Building;

Mr. Claiborne Harper, business officer, 317 Administration Building.

UMR

Dr. Jim C. Pogue, provost and dean of faculties, 102 Parker Hall;

Mr. John J. Dills, personnel officer, G-1 Parker Hall.

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Mr. Paul Czervinske, personnel officer, 17 Office Building.