

SITE REVIEW SUMMARY
Office of Equal Opportunity, University of Missouri-St. Louis
October 2-3, 2006

Prepared by the External Reviewer

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(A) Introduction

The Office of Equal Opportunity (OEO) supports the teaching, research and service missions of the University of Missouri-St Louis (UMSL) by providing services to the campus community which will ensure compliance with all federal, state, and local equal opportunity laws and regulations and will promote campus diversity. As a major employer and recipient of federal contracts, UMSL is required to annually assess its workforce, develop goals, and implement affirmative action policies and procedures that will provide equal employment opportunity for women, minorities, people with disabilities and veterans. The Office of Equal Opportunity is the unit that UMSL has designated to develop the affirmative action plans, conduct training to educate the campus community on equal opportunity laws and issues, implement and monitor academic search procedures, receive and resolve complaints of discrimination and harassment, and serve as campus liaison to equal opportunity compliance agencies. In addition, OEO supports related areas such as diversity initiatives, social justice and human rights.

(B) Review Procedures

This report is submitted as part of the University's Five Year Quality Review which covers administrative as well as academic units. The campus administration uses these periodic reviews as essential tools in fulfilling the commitment to continuous improvement.

As part of the preparation, the review guidelines, reviewer template and other coordinating documents were forwarded by the Office of Academic Affairs several days in advance of my campus visit. Prior to arriving on campus, I read the "Self-Study" prepared by the OEO Director, which provided valuable background on the evolution of the office along with a description of key processes. I also browsed the UMSL website and OEO homepage to understand the campus organizational structure and gain a sense of the public face of equal opportunity and affirmative action at UMSL.

Specific requirements for the contents of the affirmative action plan (AAP) for women and minorities are spelled out in regulations from the Office of Federal Contract Compliance Programs (OFCCP), the federal agency that oversees these matters. OEO provided a sampling of pages from each of the sections in the AAP so that I could assess these elements prior to the campus visit. It should be noted that federal regulations also require that contractors prepare affirmative action plans for people with disabilities and for veterans of the Vietnam era. No assessment was made of these latter plans or their implementation.

My schedule permitted nearly a full day on October 2 to meet with the OEO staff and review the components of the AAP, including statistical reports that summarize the workforce as well as the narrative sections that outline plans and procedures to achieve identified goals. Section D of this report recommends a number of revisions to the AAP that arise from recent changes in OFCCP regulations.

October 3, the second day of my visit, commenced with a launch meeting attended by the Review Team, Vice Chancellors, Associate Vice Provosts and the OEO staff, to harmonize our understanding of the review process and its objectives. We discussed the charge to the review team, the expected content of the report, and OEO's priorities and articulation with other units. Following the launch meeting, I and the other three members of the Review Team from UMSL took a few minutes to agree on the protocol for the stakeholder meetings.

The Office of Academic Affairs had scheduled one-hour sessions with four groups of stakeholders: deans, faculty, staff, and students. In the respective meetings, deans from five of the colleges participated, as did three faculty members and nearly a dozen staff members. Unfortunately, no students appeared during their appointed hour. Participants were advised that comments would be held in confidence, and that no individuals would be identified in the report. In the days following the meetings, written comments were submitted by three individuals who had been unable to attend the stakeholder meetings. I feel that the observations we received were candid and sincere.

I base the following summary on what I observed in the printed materials, heard from the OEO staff and from stakeholders, and on my own professional insights from over 20 years work as an EEO/AA practitioner.

(C) Strengths/Areas of Accomplishment

Stakeholder comments support an overall assessment of the OEO as a valued and positive presence on the campus. There is a high level of respect for the capabilities of the OEO staff, especially the Director, who was described as "thorough", "dedicated," "professional," "helpful," "compassionate" and "fair-minded." UMSL top administrators expressed clear and unwavering support, an important signal to the rest of the campus.

Facilities: The OEO office suite is well-furnished and in an appropriate location, with adequate conference, storage and workspace. OEO has a modest library of training materials, legal references and demographic data source materials – all essential parts of the

resources this office needs. The office has full access to the Human Resources Information System and to other appropriate student and employee records. The Director did not express serious reservations about the present budget allocations, but noted the on-going need for additional funds for training and for technology.

The Faculty Search Process is perhaps the most visible OEO function that academic units are aware of. OFCCP regulations require full documentation of each step in the recruitment, screening and selection process. When a position is to be filled, the Director briefs the search committee on the law, affirmative recruitment strategies, interviewing guidelines, proper documentation, and other equal opportunity issues. The UMSL procedures are tightly structured for tenure-track faculty, and incorporate the elements mandated by OFCCP and followed by EEO/AA practitioners on most university campuses. Some respondents hoped that OEO could offer more help in mounting successful outreach efforts.

Complaint Investigation is perhaps the second most visible and important OEO function. Most participants in the stakeholder meetings concurred that investigations by the OEO have been thorough and fair. The Director prepares the response to charges from external civil rights agencies (the US Equal Employment Opportunity Commission, US Department of Education's Office for Civil Rights, and the Missouri Commission on Human Rights). The Director noted that University Counsel has rarely had to edit or modify these submissions, which attests to the quality of the work by OEO.

Counselor and Ombudsman: Faculty, staff, students, visitors, applicants, clients and others within the campus community may come to the OEO seeking information and assistance to resolve questions about fair treatment. This informal process, which may include counseling and mediation, provides an alternative method for resolving issues that do not rise to the level of a formal complaint. According to an OEO report, more than half the concerns brought to OEO typically fall into this category.

Diversity Programs: OEO coordinates two annual events – the Martin Luther King, Jr Holiday Observance and the Women's History Trailblazers Ceremony. These highly successful programs help raise public awareness and reinforce the links between equal opportunity, affirmative action, and diversity. They reflect, in part, the important advocacy role played by OEO that goes beyond its compliance responsibilities.

(D) Areas Deserving Organizational Attention

Academic Hiring Process: The current UMSL faculty hiring process is paper-bound. OEO strives for one-day turnaround, but delays sometimes occur when a critical step is missed, a form is misplaced, or there is slow response to a message either by OEO or by a unit.

Recommendation #1: Carefully evaluate the academic hiring process for steps and/or forms that could be combined or eliminated.

Recommendation #2: Study the pros, cons and possibilities of converting to a computer-based system for the academic hiring process. Draw on colleagues at peer institutions around the country to identify systems that might be models for data collection, the approval process, status monitoring, and generating activity reports.

Postdoctoral searches: OEO requires that searches for Postdoctoral Associates and Fellows follow the same steps as for tenure-track faculty. OEO believes affirmative efforts are demanded because the postdoc is a stepping-stone to faculty positions in many disciplines. Faculty argue that nationwide searches for postdocs often cause delays at crucial times for research projects, and sometimes interfere with the ability to bring aboard research team members with highly specialized skills.

Recommendation #3: Develop alternative procedures that would streamline the process by allowing for noncompetitive postdoctoral appointments, while preserving equal opportunity safeguards.

Staff Hiring Process: There are distinct differences between the monitoring procedures for staff and those for faculty. However, the same affirmative action regulations apply, so comparable (though not necessarily identical) procedures should be used in both areas. There were hints of tension between Human Resources and OEO in a few stakeholder comments. For an affirmative action program to be effective, there should be a close working relationship between these two offices.

Recommendation #4: Evaluate staff hiring procedures to ensure that they satisfy EEO/AA requirements for oversight and that they adequately document good faith efforts. Make every effort to improve coordination and cooperation between OEO and HR.

Affirmative Action Plan: The campus underwent an OFCCP compliance review in 1995, and subsequent AAP reports have followed the formats established in that review. In the intervening years, there have been substantial changes in the federal guidelines such that several of the AAP reports should be revised to comport with the latest regulations. Further, OFCCP has dramatically increased its emphasis on “Impact Ratio Analyses” that compare the selection rates of race/ethnic and gender groups in personnel actions (applicants, hires, promotions, transfers, terminations). The agency has also intensified the focus on analyzing compensation to discover potentially discriminatory patterns. Employers nationwide, including universities, must also convert to the new race/ethnic categories first used in the 2000 census and subsequently mandated by the Office of Management and Budget for federal reports.

Recommendation #5: Carefully review the new OFCCP regulations and modify the Workforce Analysis, Job Group Analysis, Utilization Analysis and other reports to adopt the current prescribed formats. Rather than attempting to do this programming in-house, the most cost-effective choice would probably be to purchase one of the AAP package programs available from vendors.

Recommendation #6: Revise the Impact Ratio Analyses to follow the latest OFCCP guidelines. Develop models appropriate to UMSL pay policies and practices and conduct annual compensation analyses for staff and faculty.

Recommendation #7: Identify UMSL offices that deal with either student or employee records, and (in coordination with the UM system) complete the transition to the new categories used for collecting and reporting data on race and ethnicity.

Training: Employees at all levels need to understand the meaning, obligations and legal implications of equal opportunity, affirmative action, sexual harassment, disability accommodations and related issues. Discriminatory actions, whether inadvertent or intentional, can cost the individuals and the University dearly. At UMSL, a modest amount of training has been done in problem areas such as sexual harassment, cultural awareness, and academic search procedures. HR conducts training in employment law for supervisors. However, it appears that many of the broader issues have not been addressed, and training has not reached all segments of the workforce.

Recommendation #8: Develop a robust plan for training staff and faculty on equal opportunity and nondiscrimination. In particular, chairs of academic units, as well as supervisors in administrative units, should be trained on the issues of sexual harassment, on how to respond to the needs of people with disabilities, and on nondiscriminatory personnel practices. EEO/AA should be part of the orientation given to all new employees, with periodic refreshers. It may be advisable to incorporate incentives for participation and/or make certain subjects mandatory.

Complaints and Counseling: At least one commenter suspected that non-minority employees may feel their concerns were not dealt with as quickly or fully as issues raised by African-Americans. Another was concerned that a complainant had bypassed the regular process to seek direct relief from the top administrative levels. Such perceptions detract from the office's reputation for impartiality.

Recommendation #9: The OEO and responsible administrators must respond to complaints promptly, and be scrupulous in following established procedures so that parties have no cause to suspect favoritism or to feel that individuals can flout the process.

Accommodations for People with Disabilities: Students needing accommodations are served by the Office of Disability Access through a formal, structured process. On the other hand, OEO collaborates through an informal process with the Benefits Office to provide accommodations for faculty and staff who have disabilities. This seems to have worked, but an informal process may not satisfy the stringent obligations prescribed by the Americans with Disabilities Act (ADA) for individuals, supervisors and offices involved.

Recommendation #10: Develop clear, formal procedures that comply with the ADA to ensure the required steps are followed (and documented) in determining needs and providing reasonable accommodations for staff and faculty who have disabilities.

(E) Evaluation of the Review Process

From my perspective, the review process went well. Materials sent to me prior to the campus visit provided needed information. The itinerary was tightly organized and facilities for the meetings were appropriate. Discussions were free and frank. Here are two suggestions for future reviews.

Along with hearing stakeholder perceptions, the review must examine how well a unit such as OEO meets regulatory requirements and follows best practices. The external reviewer needs sufficient time to visit with staff in the unit, scrutinize essential files and reports, and observe key operations. Whereas the original schedule for my visit set aside only a limited amount of time on the first day, I suggest a four-hour block or more be reserved for this activity.

Institutional Research and University Counsel have important working relationships with OEO. It would have been good to have had their participation in the stakeholder meetings.

(F) Conclusion

The UMSL Office of Equal Opportunity is doing a good job in fulfilling its responsibilities to develop, coordinate and maintain the affirmative action plans for both academic and non-academic areas. In moving beyond the legal compliance requirements, OEO also fills a vital role in promoting diversity and cross-cultural understanding. The OEO is led by a capable and knowledgeable individual with dedicated and hard-working staff. I am confident the office, building on a solid base of policy and practice, will continue to provide leadership in equal opportunity and affirmative action for the campus community.