

**Executive Committee Meeting
Minutes of March 5, 2009**

- Convener:** Janiece Kiedrowski, Chair
- Recorder:** Cherie Williams, Secretary
- Present:** Area I: Rebecca Goodman
Area II: David Ballard, Leslie McCain
Area III: Gene Pohancsek
Area IV: Pamela Rose, Laura Yates, Jason Parker
Area V: Nancy Battaglia
Officers: Janiece Kiedrowski, Ann Marie Landel, Cherie Williams
- Excused:** Tirzah Evege-Thompson, Area I
Mary Pitts, Area III
Louise Lougen, Area V
Larry Labinski (ex-officio)
- Guests:** Kesha Lanier, Robin Kelley, Jessica Coram, Barbara Burke,
Sharon Nolan-Weiss, H. William Coles

AGENDA

1. Approval of minutes of February 12, 2009
2. Report of the Chair
3. Report of the Vice Chair
4. Interaction with Barbara Burke, Interim Director from Equity, Diversity and Affirmative Action Administration and her staff
5. New Business
6. Old Business
7. Adjournment

MINUTES

1. Approval of minutes of February 12, 2009

The minutes were approved.

2. Report of the Chair

Janiece reported that Governor Patterson visited UB on March 4 and announced that he is proposing a scholarship fund to benefit the children and financial dependents of the victims who were killed in the plane crash in Clarence on February 12. This scholarship would cover costs for up to four years of undergraduate study at a SUNY or CUNY school. An equivalent amount could also be used at a private college in New York State.

President Simpson visited India with Provost Tripathi. They visited Amrita University campuses in three southern Indian states in a five day period. The purpose of his trip was to explore potential new areas of cooperation in research, education and outreach. UB partners with Amrita University and President Simpson participated in the first graduation ceremony for the university's school of management master's degree program in Information Technology and IT-

enabled Services. The second class to graduate from this program will benefit from a reconfiguration of the program into a master of science in Information Technology which will better reflect the scope and purpose of the program. UB is now recognized as one of the most actively engaged U.S. research universities currently operating in India.

A notice was sent to the membership regarding the ISSS workshop that deals with communicating with international students. It will also be available as a webinar at some time in the future.

3. Report of the Vice Chair

Ann Marie reported that the fourth session of the “Are You Prepared?” series will be held on the south campus on March 19 and on the north campus on March 20. This presentation, “Emotional Preparedness”, will be given by Debbie Hard, EAP Administrator. Anyone can register via the PSS website. All of the presentations materials will be available on the PSS website after the series is finished.

The Student Life Committee met and they are looking for professional staff that would be willing to volunteer their time to help serve the Senior Brunch on April 22 in the Atrium of the Center for the Arts. The committee also wants to get involved with Opening Weekend and activities like the parents’ ice cream social, the resource fair and the new student picnic. There is a UB Advocates program in place and they will host meetings on March 25 and 26 to discuss relevant issues that students currently are concerned about. Staff are invited to attend. The meetings are from 4:30 – 6:30 p.m. in 306 Student Union. Each focus group contains ten students and staff would sit in on the group discussions. The UB Advocates program attempts to resolve these issues that are brought forward.

Nominations are closed for the Outstanding Service Award and for the Outstanding Service to the Professional Staff Senate Award.

Bill Coles reported on Wellness Awareness Day that took place on March 4. He believes at least 825 attended – these people actually signed in. There were 100 booths on the floor, UBMD was present and for the first time a skin screening clinic was held. One hundred and eleven people participated in the blood draw and ninety people participated in UBFit. Bill asked for comments and suggestions from the Executive Committee. The following were responses from his inquiry:

- Happy to see increased UB presence.
- Great networking opportunity for those in the sciences.
- Felt it was great to have extra chairs to sit on.
- Numbering system worked well for the Doppler screening.
- Vendors think that this is one of the best health fairs in Western New York.
- Participation in demonstrations could be improved by pre-registering participants.
- Difficult to get staff to attend who are employed in the trades on campus. Bill wants to improve attendance in those areas.
- Have the unions or the department heads send email supporting the event so more people will attend.
- Improve or expand the blood testing to include C-reactive protein or Vitamin D3 testing. May have to modify the fee based on what is being tested.

4. Interaction with Barbara Burke, Interim Director of Equity, Diversity and Affirmative Action Administration and her staff

Barbara Burke, Interim Director of EDAAA began the discussion by indicating that the department’s major areas of responsibility deal with compliance issues for the University so that UB is in compliance with federal and state non-discrimination laws and executive orders issued by the Governor. They resolve instances of discrimination that may stem from harassment,

sexual harassment, and any kind of discrimination based on a protected category. Their office is involved with policy development at various levels; they provide training and education programs; they are beginning to be more involved with diversity and diversity initiatives and diversity program development. She then asked Sharon Nolan-Weiss to speak about the compliance component.

Sharon, who is the Assistant Director of EDAAA, spoke about their responsibility in the compliance area. They are primarily responsible for upholding Title VII of the Civil Rights Act of 1964 (as amended by the EEOC Act of 1972), the Americans with Disabilities Act which has just had some revisions made to it, and the New York State Human Rights law which protects people based on a protected category and finally the Family and Medical Leave Act. Their staff is very small and they work collaboratively and regularly with other areas on the campus including every dean's office, the Graduate School, Student Affairs, the Office of Disability Services, Human Resources and the International Student Scholars Office.

Training and education is one area of responsibility for EDAAA. They have an on-line sexual harassment prevention program which provides a vehicle for every staff and student member of the campus to go through sexual harassment prevention training on their own. A certificate is printed for each person who completes the program. This program is used across the country and Barbara felt it was a very good educational tool. The department is also involved in individual training at the unit level on sexual harassment, diversity and disability accommodation. They also have regular programs that they conduct with the residence halls and the Graduate Education departments. They have also worked directly with CIT, Divisional HR and Facilities.

Sharon continued by saying that one of the major areas their office oversees is the investigation of discrimination complaints – both internal complaints from within the university and those that are filed with the New York State Division of Human Rights or EEOC. They work with SUNY Counsel to resolve complaints filed through an external process. Students can also file with the Office for Civil Rights in the Department of Education. EDAAA acts as the liaison to SUNY Counsel to provide needed information. Each year they look at the major areas of complaints and usually the categories are fairly consistent. In 2008, hostile environment complaints that were not made on a discriminatory basis, accounted for a large portion of the total complaints they received (21%). Sexual harassment complaints accounted for 19%; disability 13%; complaints regarding national origin 7%; race 9%; retaliation 9%, and complaints regarding age were 6% of the total complaints. The total number of complaints numbered over 100. Most were internal complaints.

There are new policies that are being developed that will go through the Policy Committee on campus for review and approval. They pertain to recruitment, recruitment exceptions, non-discrimination and reasonable accommodations.

They are developing a new recruitment policy for several reasons. The existing policy dates back to the 1980's and the world has changed considerably as has recruitment. So much is computerized now. UB Jobs was implemented in January 2007 so this policy really needs to be updated to reflect the use of this technology. The old recruitment policy contained some things that were really much less relevant to what we have now including appointments for less than three months, appointments that are less than .40 FTE. The old policy called for a search review by the President's panel and this did not allow us to do a broader and more comprehensive review of how we do recruitment and whether our recruitment procedures complied with affirmative action. The new policies are intended to allow UB to do this better. The new policy requires that all positions are filled through an open search process with some limited exceptions that are stated in the recruitment exception policy. This is very important in terms of meeting our affirmative action obligations. Federal agencies expect that UB is an equal

opportunity employer and that requires a search unless we establish a reason of why we did not do one. Waivers, which were part of the old policy and process, were intended to do two things. They were issued to increase the number of staff from a protected group in situations where they were underrepresented. They were also used when an opportunity to hire someone with unique qualifications was presented. An analysis was done by EDAAA that looked at the time period from January 2000 through October 2005 to determine if the waiver process was achieving its goal. They found that in terms of affirmative action, there were some shortcomings. Over 25% of staff hires were done by waivers during that time period. 72% of the people who were hired on waivers were white and for staff it was actually higher. During that time period 1,094 searches occurred (660 for professionals, 485 for faculty) and 444 waivers were granted (221 to professional staff, 223 for faculty). It was not achieving the goal that was intended and so a new policy regarding recruitment waivers was formulated.

They looked at why waivers were done and when an open search might be required. It will require clear documentation, will be processed through the UB Jobs system and tracked and analyzed to ensure that it is being used in an appropriate way. The following categories might not require an open search: emergency hires, hires of individuals specified in a grant, a hire of opportunity, visiting scholars, appointments due to a change in status or funding source, internships, apprenticeships, fellowships and also a special circumstance category which will be used very rarely.

The next two policies have to do with discrimination and harassment and reasonable accommodations. These new policies will not change how these issues are handled on campus, but they will bring UB up-to-date on how things are already done. There is a current sexual harassment policy at UB. It is procedurally burdensome and bureaucratic. It says that whenever there is a discrimination complaint the university needs to assemble a committee and there will be layers of review. EDAAA has found that most people who file a discrimination complaint do not want burdensome layers of review. They want a solution to their issue. Our campus policy is driven more towards that end to do a full confidential investigation in a timely manner and formulate recommendations. The new policy will clarify this. It incorporates all bases of discrimination and is not limited to just sexual harassment. It clarifies the responsibilities of senior officers and university administrators and explains the complaint investigation process and provides information and alternatives. People do not have to use the internal discrimination process however. They have the right to go directly to an outside agency and sometimes people do choose to do that. The Reasonable Accommodation Policy has been updated due to a change in the amendments of the Americans with Disabilities Act. It expands the pool of individuals who are covered under their definition of disability. The Supreme Court had limited this. The ADA Amendment Act expanded the definition of disability and obligations that institutions have to deal with for people who are disabled. UB has an accommodation policy that is well-outlined for students. There is not a lot of information for what the process is for employees. This revised policy is intended to address that issue and clarify the procedures. The policy ensures that the university is meeting its compliance obligations under the ADA and the Human Rights Act. It set forth a process for different groups to request accommodations and clarifies everyone's responsibilities and obligations. It also protects confidentiality. There are a lot of privacy measures in place to protect this information, i.e. you cannot ask an applicant if they have a disability on a job application.

Cherie Williams asked if an employee felt they were being sexually harassed and they took their initial complaint to an outside agency such as EEOC, would that agency have them work with the employer first to resolve the complaint. Sharon answered that it depended on who was doing the harassing. If a co-worker or subordinate was doing the harassing and the plaintiff didn't tell anyone in authority that the harassment was occurring, the outside agency would probably find that there was no notice to the employer and that the employer is not responsible for the discrimination. They would probably instruct the person to go back and tell their

supervisor before they would proceed with a discrimination case. If the harassment was done by a supervisor or by someone in authority, that is a different story. This is why it is important for our supervisors at UB to know what prohibitive sexual harassment is. EEOC may find in this situation that because someone in authority did the harassing, the university is responsible.

Laura Yates (CIT) asked if it was possible to hire from past recruitments and use a waiver as you would not have to go through an entire recruitment process again. Barbara answered that she was not sure if this could be accommodated in the UB Jobs system. The way UB Jobs works now is that once you have a closed position posting, you cannot go back in and reopen it. If you had another opening and you posted it, you would have to ask the applicant to reapply. You can also do an open pool search that keeps the position open to hire candidates over a period of time.

Janiece asked if the system of using waivers improved between 2005 and 2008. Barbara replied that it is still a problem because it can go through UB Jobs. It is based on an old policy and the policy needs to be replaced to move us away from this practice.

Barbara presented data to the group and informed everyone that when looking at and analyzing data, it was important to consider the date "as of", the source of the data, the selection criteria, the definition and the purpose of the data.

Barbara presented UB diversity metrics data to the group. As of 12/31/07 the total state workforce at UB was 5,339 employees. There were 2,540 females and 820 minorities. Females accounted for 47.6% of the total state workforce at UB, minorities accounted for 15.4%. As far as gender was concerned, females are a little less than half the total work force. The total number of staff as of 12/31/07 was 2,902 with 1,560 being on the professional staff and management confidential staff; support staff are at 1,342. Women comprised 56% of the total number of staff and 12% were minority (all underrepresented groups). This was a one day snapshot of our workforce.

EDAAA also looked at recent hires that were hired between 2007 and 2008. The numbers were compiled from two sources – the old paper system that was used until early 2007 and UB Jobs which came on-line in 2007. This did not include anyone who was not hired through either a search or a waiver. Some people are hired temporarily or through another process. On the professional side, 294 individuals were hired during this time period, 117 males, and 175 females (59.5%). Of the 294 who were hired, 248 were white, 19 were African-American, 4 Hispanic, 6 Asian. Some people did not disclose their ethnic origin.

One of the things that they try to determine when they are analyzing the labor workforce is where we are recruiting from. Barbara presented data from a 2000 U.S. Census that showed the percentage of professional staff with a minimum education of a bachelor's degree who were hired at UB and compared this number with the available labor pool in Western New York who had the same level of education. UB employs at a higher percentage than the available numbers in the labor pool for three ethnic groups – African-American (7.5 at UB, 4.6% available in the community), Hispanic (1.5% at UB, 1.4% available in the community), and Asians (3.1 at UB, 2.7% available in the community). We are recruiting at a higher percentage for these groups and this is what the government looks at when reviewing our labor statistics.

Her department also looked at and analyzed a recruitment zone map that contained the 14 zip codes of Erie and surrounding counties. In 2007-2008, 55% of professional staff hires were from the Buffalo area. Another 29% represented other areas of Western New York and 16% came from further away in New York State or from out of state. The picture for faculty is a bit different because we hired nationally and internationally with the exception of our adjunct faculty. Many adjuncts are hired from the local pool of candidates.

Affirmative action came into play to address past discrimination based on protected class to open up the workplace, provide opportunities and required employers to take positive action when their workforce had underrepresentation. This was and still is a legal mandate. Diversity is a bigger picture not just a protected category. It encompasses all the attributes and elements that people bring to the workplace. It is inclusive and begins to talk about cultural differences, the climate of an institution and how you embrace and welcome everyone. This is not mandated by law but it is becoming what will give you the competitive edge or cost you the competitive edge. The university is sensitive to this and is looking at policies and processes so that we can do a better job in all these areas.

Barbara also spoke about top demographic trends. Our workforce is aging – we currently have four generations who are part of our workforce right now. There has been an increase in the number of employees who have both child care and elder care needs. Family patterns are changing because families don't live in the same town anymore. We have large numbers of high school drop outs so the number of unskilled workers is increasing. Hispanics are growing to become the largest minority group in the U.S. The country has high rates of immigration. Fifteen percent of our students at UB are international students. With these issues in mind, EDAAA looked at the age of the workforce at UB. Using 2008 data, they found that 387 professionals were under the age of 35 but that the classified staff had a very low number of staff below age 35 and between the ages of 35 and 49. Most classified staff fall in the middle. There are 249 faculty members who are over the age of 65 and 225 faculty members over the age of 60. These groups account for a little over a third of our faculty. This has implications for the university in terms of recruitment and retention, knowledge transfer and succession planning. The workforce that could replace these individuals is smaller. This increases the competitive nature of our recruitment.

Barbara also presented a graph of U.S. demographic data from 2000 to 2050 by ethnic group. The graph showed that the Caucasian population will decrease in the U.S. by twenty percent by the year 2050. Hispanics, African-Americans, Asians and Native American groups will all increase with Hispanics growing at the fastest rate from 12% in 2000 to 24% in 2050. This has a profound impact on employment and recruitment as we will be dealing with an ever increasing diverse population.

When we look at the challenge and implications of increasing diversity and the impact on UB2020, there are several important areas to consider and plan for:

- Recruitment – look at our competition, the image of the institution and how we will market ourselves
- Selection – where should we be recruiting from and what are the criteria for our jobs so that we target appropriately; do we have barriers in our recruitment processes.
- Pipeline – the community engagement program and the program in the Buffalo City schools looks at issues to increase the number of students who would come to UB; international programs also play a part in this.
- Retention – what is the climate here; do we mentor; what kind of training and opportunities do we provide; how do we plan for the future to replace people and maintain institutional memory.

The university is beginning to look at diversity compacts for faculty hiring because the pools that they draw from are smaller. It is more difficult to do this for professional staff because of the type of jobs available and the fact that we have a much decentralized recruitment process. The intent of the policy changes is to impose some legal structure on the process with the hope that the pool of candidates will be more diverse. There are other ways to improve the diversity of the candidate pool that the university could support – simplify some of the advertising procedures,

assist with the cost of the recruitment expense, look at the search committee make-up and help train people to have better interviewing skills.

Climate and retention are two issues that impact the workplace. EDAAA is involved in resolving complaints from employees so that the workplace is a great place to work for everyone. Sometimes this involves making recommendations for changing climate in the workplace.

Complaints to EDAAA may result from job creep, communications issues, generational differences and hostile environment issues.

EDAAA does provide cultural competency training for departments as does International Scholars.

5. New Business

Pam Rose mentioned that "Take your Sons and Daughters to Work" day will be held on the fourth Thursday in April. The Quality of Work Life Committee will be advertising this and will be asking President Simpson to send a letter of support for the event.

6. Old Business

Nothing to bring up for discussion.

7. Adjournment

The meeting adjourned at 4:20 p.m.