

Affirmative Action Compliance and Equal Opportunity

Affirmative Action Plan 2002 - 2003



AFFIRMATIVE ACTION PLAN

**University of Massachusetts Lowell
March 31, 2002 to March 30, 2003
March 31, 2003 to March 30, 2004**

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Please note: Due to the migration from our legacy system to Peoplesoft we have combined the Affirmative Action plans for 2002 and 2003 into one plan.

University of Massachusetts Lowell
Affirmative Action Plan

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INTRODUCTION

"It ought to be possible, in short, for every American to enjoy the privileges of being American without regard to his race or his color"

John F. Kennedy speech of June 11, 1963

John F. Kennedy made this speech two years after an executive order declaring that federal contractors should "take affirmative action to ensure that applicants are employed and employees are treated during their employment, without regard to race, creed, color or national origin". This was the first time the words Affirmative Action had been used.

Affirmative Action and Equal Opportunity laws and policies are in place to ensure that employers recognize the talents and abilities of employees as well as potential employees. When these laws are followed the most qualified applicant will be awarded the job or promotion. However if the applicants are equal in experience, education etc., and one of the applicants is from a protected category that realizes an underutilization, the position may be awarded to that applicant.

UNIVERSITY OF MASSACHUSETTS LOWELL MISSION AND ACADEMIC PROGRAM OVERVIEW

The Lowell campus has been providing higher education since the 1890s, when its predecessor schools were founded. The Lowell Normal School, established in 1894, prepared students to become teachers, and the Lowell Textile School, dating from 1895, trained technicians and managers for the region's extensive textile industry. In the following 75 years, the Normal School added degree programs in health professions, liberal arts, music, and the sciences, and evolved into Lowell State College. Meanwhile, on the opposite bank of the Merrimack River, the Textile School expanded its offerings in engineering, technology, and business administration, changing its name to Lowell Technological Institute. Lowell State and Lowell Tech merged in 1975 to become the University of Lowell, which, in turn, joined the University of Massachusetts system in July 1991 (See Chapter 75A, Massachusetts General Laws).

Lowell has a special mandate from the University of Massachusetts Board of Trustees to support sustainable regional economic and social development. The goal is to make the greatest possible contribution to Massachusetts by being a leading model for a technology-oriented public university in the tradition of land-grant institutions. In Lowell's case, the institution works closely with the greater community to address development concerns in an evolving, older industrial area. Through teaching, research, and service, UMass Lowell offers excellence in higher education while it helps sustain healthy, productive, and innovative communities.

Through careful and comprehensive restructuring between 1993 and 2000, in the form of a Realign/Redesign/Reallocate plan, the Lowell campus was reoriented in response to dramatic economic and demographic changes, especially in the local region and in the Commonwealth. The result is a more streamlined operation whose total resources are directed toward accomplishing the fine-tuned, two-pronged mission of (1) providing affordable education of high quality and (2) assisting sustainable regional development. Lowell today includes four colleges (Arts & Sciences, Engineering, Health Professions, and Management) and a Graduate School of Education (all teacher preparation programs are at the graduate level). Lowell awards about 1700 degrees each year. The campus goal is to grant 60 percent of its degrees at the undergraduate level, 35 percent at the master's level, and 5 percent at the doctoral level. Lowell's Carnegie classification is at step two: National Doctoral/Research Intensive Institution.

WHY AN AFFIRMATIVE ACTION PLAN?

Source of University's Equal Opportunity Obligation (CFR 60-1.4)

The Office of Federal Contract Compliance Programs (OFCCP) governs Affirmative Action and Equal Opportunity just as the IRS governs the nation's revenue. Executive Order 11246, defined below, states that a federal contractor with 50 or more employees and contracts totaling \$50,000 or more is required to develop a written affirmative action program. A contractor must also be prepared to submit the program to the OFCCP within 30 days of a request. If the contractor is cited for not meeting this obligation, OFCCP can withdraw funding, and future funding of any grant or contract could be declined. In the University of Massachusetts Lowell's case this would affect many of the University's grant funded programs (state and federal).

An OFCCP review works in a manner similar to an IRS audit. The review verifies that an organization is in compliance with its obligations under the applicable law, and that the effort the organization is making in implementing its Equal Opportunity Policy is bringing the desired results and demonstrates good faith efforts.

Affirmative Action Programs are required to contain specific elements:

- Workforce analysis
- Availability analysis
- Utilization analysis
- Goals and timetables
- Program summary
- Compliance status

If the OFCCP does not find these components in an audit, the University would be cited and subject to defaults.

The University of Massachusetts Lowell's Affirmative Action program contains the required elements as well as the following:

- Responsibility for implementation of the equal employment opportunity policy, identification of problem areas
- Development and execution of programs
- Internal audit and reporting systems
- Support of action programs

There are three laws administered by the OFCCP which define the University's obligations; they are:

A. Executive Order 11246, as amended, mandates that covered government contractors "not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, and that the contractor will take affirmative action to ensure that applicants are employed and the employees are treated during employment, without regard to their race, color, religion, sex or national origin."

B. Under the Vietnam-Era Veteran's Readjustment Assistance Act of 1974 (US 2012) and the Veteran's Employment Opportunities Act (Public Law 105-339), all federal government contractors and sub-contractors with contracts over \$25,000 are required to take affirmative action in hiring and promoting veterans covered by the Act.

C. Under Section 503 of the 1973 Rehabilitation Act and the Americans with Disabilities Act of 1990 all federal contractors with contracts in excess of \$2,500 are required to take affirmative action in hiring qualified disabled individuals and to treat those individuals without discrimination based upon their physical or mental disability in all employment practices.

This Affirmative Action Plan presents the University's policies, support of action programs, and identification of problem areas to provide equal employment opportunity. The Plan explains the University's efforts to meet and/or exceed the requirements of law through carefully planned actions of aggressive recruiting, training, and upgrading of qualified minority, female, disabled, and veteran applicants/employees throughout its sphere of influence.

UNDERSTANDING AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY AND THE AACEO OFFICE

The ideas underlying affirmative action compliance and equal opportunity are similar with respect to selection, employment, and promotion; but affirmative action compliance and equal opportunity embody different concepts. Equal opportunity means that all individuals must be treated equally in hiring, training, and promotion. Each person has the right to be evaluated based on individual qualifications without discrimination. Classifications protected under federal equal employment opportunity (EEO) laws are those of race, religion, gender, age, sexual orientation, national origin, disability, veteran's status, and marital status.

Affirmative action compliance goes further than equal opportunity. It means affirming that organizations and individuals working for those organizations actively and aggressively work to overcome the effects of past discrimination against groups such as women, people of color, disabled persons, and veterans by making positive and continuous efforts in recruitment, employment, retention, and promotion. Affirmative action also means that organizations must actively seek to remove any barriers that artificially limit the professional and personal development of individuals who are members of protected categories. Affirmative action applies to all job categories and levels.

An Affirmative Action Plan carries little weight without a governing body to insure that the University Community will make a "good faith" effort to adhere to its components. The monitoring unit within the University of Massachusetts Lowell is the Affirmative Action Compliance and Equal Opportunity Office.

The mission of the Affirmative Action Compliance and Equal Opportunity Office is to support the administration, faculty, staff, and students at the University of Massachusetts Lowell. The Affirmative Action Compliance and Equal Opportunity Office provides the administration with support during controversial situations when complaints and grievances are filed. The Affirmative Action Compliance and Equal Opportunity Office provides a process in which they may receive a fair and non-prejudicial arena to hear both parties in a grievance/complaint situation.

The Director of Affirmative Action Compliance and Equal Opportunity works as a sounding board for all grievances that are reported and strives to get the parties to come to an agreement before any formal complaint is filed. In the event a formal complaint is filed, it is thoroughly investigated. Support and documentation is provided to the legal counsel assigned to bring the case to amends.

The Director also works proactively to ensure that effective compliance measures are put in place as tools for the University community. Examples of this are Sexual Harassment Prevention Training, Disability Service Workshops, Professional Salary Analysis, the Hiring Process Handbook, and the development of the annual Affirmative Action Plan.

The responsibility of the Affirmative Action Compliance and Equal Opportunity Office begins before the University officially hires an employee. From step one, submitting a Request for Posting Form, through the final step of receiving the go-ahead to extend the official offer, the Affirmative Action Compliance Office assists and guides the hiring official through the process. Two major details that must be reviewed during each new search are the advertisement and the selection process; both are verified to rule out discrimination. The advertisements are checked for their wording and advertising audiences are documented. The audiences could be reached through newspapers, journals, web sites, conferences, and/or mailings. The selection process is then monitored through a mailing to all applicants, which includes forms soliciting the applicant's self disclosed race and gender. This data is used to complete the required Hiring Process Paperwork.

Should a department or job group be underutilized in either females or minorities, the hiring official will be notified before interviews begin. When an area is underutilized it means that the job group of the job opening within the University has a lower number of either minorities and/or females than are available in the workplace. (For further explanation of the way availability is determined please see page 10.) This notification of underutilization will encourage the hiring official to take extreme care in hiring the new person. The Affirmative Action Compliance and Equal Opportunity Office must "certify" the applicant prior to the final approval of the chancellor. Certification of an applicant pool entails submission by the hiring official of the required Affirmative Action Paperwork.

Refer to www.uml.edu/affirmative/paperwork.htm to download a checklist of all documents needed to finalize the hiring process. The Compliance Manager reviews the package to ensure that the hiring official has indicated hiring preferences that reflect the candidate's qualifications as opposed to subjective or vague preferences. In essence, the review ensures that the most qualified person was selected for the position. The Compliance Manager is also charged with making sure that the paper flow between the Affirmative Action Compliance and Equal Opportunity Office and the Human Resource Office occurs without the information being compromised.

Compliance Specialist and Compliance Assistant work with the Director and the Manager to assure that informational materials are available to the University community. These materials include the compilation of the yearly Affirmative Action Plan and the periodic update of the Hiring Process Handbook.

PURPOSE OF AFFIRMATIVE ACTION PROGRAMS (CFR 60-2.10)

An affirmative action program is a set of specific and result-oriented procedures, under which a contractor commits to apply every "good faith" (auditors term) hiring and promotion effort. It may be simpler to illustrate with the example of faculty member's course syllabus. The course syllabus specifically states what will be required of the student from the beginning of the course to the end of the course. If all of the course requirements are met when the time period is ended, the student will receive a grade reflecting how well he/she met those requirements. Affirmative action programs are similarly assessed. Should there be an OFCCP audit, the auditor will evaluate not only how the University performed on its given programs as outlined in the Affirmative Action Plan, but will also scrutinize what was included in that Plan. An auditor will not only review the Utilization Analysis and the purpose, but also the compliance programs. The purpose of the Affirmative Action Program is to strive for a fair and equitable workforce.

WORKFORCE REPRESENTATION/HISTORICAL WORKFORCE COMPARISON BY EEO-6 CATEGORY

The University's Workforce Representation of staff and faculty are divided into seven EEO-6 categories. The numbers and percentages of protected class employees are determined within each EEO-6 category. Protected classes are defined by the federal government and determined based on self-disclosure to the University. These categories are females, minorities (as defined by the federal government), veterans, and the disabled.

The Historical Workforce Comparison by EEO-6 Category (Table 1) represents a summary of annual workforce statistics for the preceding five-year time period. The report reflects the total number of employees, the number and percent female and the number and percent minority, for each EEO-6 category.

In the year ending March 31, 2002, the overall number of employees at the University increased by 10.0%. Employment of individuals in protected categories increased at an even higher rate. During that year, the number of female employees increased 14.6% or 102 employees, in every EEO-6 category except Skilled Crafts. The number of minority employees increased 13.9% or 15 employees. Increases occurred for in the EEO-6 categories of Faculty, Professional/Non-Faculty, Secretarial/Clerical, and Service/Maintenance. The only EEO-06 category with a decreased number of employees was Technical/Paraprofessional, moving from ten to nine employed minorities.

From March 31, 2002 to March 31, 2003, the number of employees decreased by 7.4%. However, employment of protected classes increased in many EEO-6 categories despite the university-wide decrease in total employees. For females, this increase occurred in the areas of Professional/Non-Faculty (3.4%), Technical/Paraprofessional (3.9%), and Service/Maintenance (15.8%). For minorities, this increase occurred in the areas of Faculty (5.4%), Technical/Paraprofessional (22.2%), and Service/Maintenance (12.5%). In one EEO-6 category, Faculty, employment of females decreased, but at a lower rate than overall (3.4% decrease). Employment of females decreased at a lower rate than the overall decrease, 6.1%, or 31 employees. There was no net decrease in minorities. Minorities decreased at a lower rate than total employees in every area except Secretarial/Clerical with a decrease of 71.4% or five minority employees, and Executive/Administrative/Managerial with a decrease of 50% or 1 minority employee.

Table 1
Historical Workforce Comparison by EEO-6 Category
3/31/1996 - 3/31/2002

EEO-6 Category	Year	Total		Female		Minority	
		#	#	%	#	%	
Executive/Admin./Managerial	2002	39	17	44	2	5	
	2001	39	16	41	2	5	
	2000	35	14	40	2	6	
	1999	35	15	43	2	6	
	1998	36	15	42	2	6	
Faculty	2002	404	122	30	56	14	
	2001	366	112	31	53	14	
	2000	408	118	29	60	15	
	1999	415	118	28	59	14	
	1998	415	114	27	62	15	
Professional/Non-Faculty	2002	342	178	52	42	12	
	2001	302	148	49	34	11	
	2000	202	109	54	6	3	
	1999	194	102	53	9	5	
	1998	186	98	53	11	6	
Secretarial/Clerical	2002	103	95	92	7	7	
	2001	97	88	91	4	4	
	2000	98	89	91	5	5	
	1999	97	90	93	4	4	
	1998	108	101	94	4	4	
Technical/Paraprofessional	2002	108	76	70	9	8	
	2001	98	63	64	10	10	
	2000	81	52	64	9	11	
	1999	69	43	62	6	9	
	1998	63	37	59	4	6	
Skilled Crafts	2002	47	2	4	0	0	
	2001	46	2	4	0	0	
	2000	44	2	5	0	0	
	1999	48	2	4	0	0	
	1998	46	1	2	1	2	
Service/Maintenance	2002	72	19	26	8	11	
	2001	65	15	23	6	9	
	2000	70	14	20	6	9	
	1999	69	14	20	5	7	
	1998	58	14	24	3	5	
GRAND TOTAL	2002	1115	509	46	124	11	
	2001	1013	444	44	109	11	
	2000	938	398	42	88	9	
	1999	927	384	41	85	9	
	1998	912	380	42	87	10	

Table 1
Historical Workforce Comparison by EEO-6 Category
3/31/1996 - 3/31/2003

EEO-6 Category	Year	Total		Female		Minority	
		#	#	%	#	%	
Executive/Admin./Managerial	2003	37	14	38	1	3	
	2002	39	17	44	2	5	
	2001	39	16	41	2	5	
	2000	35	14	40	2	6	
	1999	35	15	43	2	6	
Faculty	2003	365	118	32	59	16	
	2002	404	122	30	56	14	
	2001	366	112	31	53	14	
	2000	408	118	29	60	15	
	1999	415	118	28	59	14	
Professional/Non-Faculty	2003	348	184	53	42	12	
	2002	342	178	52	42	12	
	2001	302	148	49	34	11	
	2000	202	109	54	6	3	
	1999	194	102	53	9	5	
Secretarial/Clerical	2003	70	61	87	2	3	
	2002	103	95	92	7	7	
	2001	97	88	91	4	4	
	2000	98	89	91	5	5	
	1999	97	90	93	4	4	
Technical/Paraprofessional	2003	108	79	73	11	10	
	2002	108	76	70	9	8	
	2001	98	63	64	10	10	
	2000	81	52	64	9	11	
	1999	69	43	62	6	9	
Skilled Crafts	2003	38	1	3	0	0	
	2002	47	2	4	0	0	
	2001	46	2	4	0	0	
	2000	44	2	5	0	0	
	1999	48	2	4	0	0	
Service/Maintenance	2003	67	21	31	9	13	
	2002	72	19	26	8	11	
	2001	65	15	23	6	9	
	2000	70	14	20	6	9	
	1999	69	14	20	5	7	
GRAND TOTAL	2003	1033	478	46	124	12	
	2002	1115	509	46	124	11	
	2001	1013	444	44	109	11	
	2000	938	398	42	88	9	
	1999	927	384	41	85	9	

**Table 2
Workforce Representation of Protected Category by
EEO-6 Job Category and University Job Group, 3/31/2002**

	Total Employees		Female		Total Minority		Black		Asian/ Pacific Islander		Native American		Hispanic		Veterans		Disabled	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
WORKFORCE TOTAL	1,115		509	45.7	124	11.1	20	1.8	77	6.9	0	0.0	27	2.4	32	2.9	18	1.6
EEO-6 Category 1: Executive/Admin./Managerial (EAM)	39		17	43.6	2	5.1	0	0.0	2	5.1	0	0.0	0	0.0	0	0.0	0	0.0
EAM A*	3		1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
EAM B	6		2	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
EAM C	9		5	55.6	1	11.1	0	0.0	1	11.1	0	0.0	0	0.0	0	0.0	0	0.0
EAM D	21		9	42.9	1	4.8	0	0.0	1	4.8	0	0.0	0	0.0	0	0.0	0	0.0
EEO-6 Category 2: Faculty	404		122	30.2	56	13.9	5	1.2	42	10.4	0	0.0	9	2.2	11	2.7	3	0.7
EEO-Category 3: Professional/Non-Faculty	342		178	52.0	42	12.3	8	2.3	27	7.9	0	0.0	7	2.0	8	2.3	10	2.8
Administrative	83		54	65.1	4	4.8	1	1.2	1	1.2	0	0.0	2	2.4	1	1.2	0	0.0
Education/Training/Student Life	92		51	55.4	10	10.9	4	4.4	4	4.3	0	0.0	2	2.2	1	1.1	0	0.0
Institutional Relations	42		27	64.3	4	9.5	0	0.0	4	9.5	0	0.0	0	0.0	0	0.0	0	0.0
Library	14		8	57.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Research/Post Doctorates	16		4	25.0	15	93.8	1	6.3	14	87.5	0	0.0	0	0.0	0	0.0	0	0.0
Medical Care	2		2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Technical	83		27	32.5	8	9.6	2	2.4	3	3.6	0	0.0	3	3.6	6	7.2	1	1.2
Other Professional Non-Faculty	10		5	50.0	1	10.0	0	0.0	1	10.0	0	0.0	0	0.0	0	0.0	0	0.0

* The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 2 (Continued)
Workforce Representation of Protected Category by
EEO-6 Job Category and University Job Group, 3/31/2002

	Total Employees		Female		Total Minority		Black		Asian/ Pacific Islander		Native American		Hispanic		Veterans		Disabled	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
EEO-6 Category 4:																		
Secretarial/Clerical	103		95	92.2	7	6.8	4	3.9	0	0.0	0	0.0	3	2.9	2	1.9	2	1.9
Administrative Support	50		49	98.0	4	8.0	2	4.0	0	0.0	0	0.0	2	4.0	0	0.0	1	2.0
Secretaries/Clerks/Typists	35		35	100.0	2	5.7	1	2.9	0	0.0	0	0.0	1	2.9	0	0.0	0	0.0
Data Entry Operators	2		2	100.0	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0
Financial Records	8		8	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Duplicating/Mail	1		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Communication Equip. Officers	3		1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	33.3	0	0.0
Sales	4		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
EEO-6 Category 5:																		
Technical/Paraprofessional	108		76	70.4	9	8.3	2	1.9	3	2.8	0	0.0	4	3.7	3	2.8	2	1.9
Science Technicians	7		5	71.4	1	14.3	0	0.0	0	0.0	0	0.0	1	14.3	0	0.0	0	0.0
Computer Technicians	12		7	58.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	8.3	0	0.0
Nuclear/Engineering	3		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Technicians	5		1	20.0	2	40.0	1	20.0	0	0.0	0	0.0	1	20.0	0	0.0	0	0.0
Business/Related	59		58	98.3	4	6.8	1	1.7	3	5.1	0	0.0	0	0.0	0	0.0	1	1.7
Protective Services	22		5	22.7	2	9.1	0	0.0	0	0.0	0	0.0	2	9.1	2	9.1	1	4.5
EEO-6 Category 6: Skilled Crafts	47		2	4.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	8	17.0	0	0.0
Mechanics/Repairers, Non-Sup'v	7		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Skilled Crafts, Supervisors	14		2	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	21.4	0	0.0
Construction Trades, Non-Sup'v	14		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	14.3	0	0.0
Plant/System Operation	12		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	25.0	0	0.0
EEO-6 Category 7:																		
Service/Maintenance	72		19	26.4	8	11.1	1	1.4	3	4.2	0	0.0	4	5.6	0	0.0	1	1.4
Cleaning/Building Services	56		19	33.9	7	12.5	1	1.8	3	5.4	0	0.0	3	5.4	0	0.0	1	1.8
Motor Vehicle Operators	1		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Guards/Institutional	15		0	0.0	1	6.7	0	0.0	0	0.0	0	0.0	1	6.7	0	0.0	0	0.0

Table 2
Workforce Representation of Protected Category by
EEO-6 Job Category and University Job Group, 3/31/2003

	Total Employees	Female	Total Minority	Black	Asian/ Pacific Islander	Native American	Hispanic	Veterans	Disabled
	#	#	#	#	#	#	#	#	#
WORKFORCE TOTAL	1,033	478	124	18	75	2	29	42	8
EEO-6 Category 1:									
Executive/Admin./Managerial (EAM)	37	14	1	0	1	0	0	2	0
EAM A*	3	1	0	0	0	0	0	0	0
EAM B	7	2	0	0	0	0	0	0	0
EAM C	11	3	1	0	1	0	0	0	0
EAM D	16	8	0	0	0	0	0	2	0
EEO-6 Category 2: Faculty	365	118	59	5	43	1	10	13	3
EEO-Category 3:									
Professional/Non-Faculty	348	184	42	7	27	0	8	10	1
Administrative	71	48	4	1	1	0	2	1	0
Education/Training/Student Life	106	69	10	3	4	0	3	2	0
Institutional Relations	22	14	0	0	0	0	0	0	0
Library	13	7	0	0	0	0	0	0	0
Research/Post Doctorates	28	5	20	1	19	0	0	0	0
Medical Care	2	2	0	0	0	0	0	0	0
Technical	97	32	8	2	3	0	3	7	1
Other Professional Non-Faculty	9	7	0	0	0	0	0	0	0

* The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 2 (Continued)
Workforce Representation of Protected Category by
EEO-6 Job Category and University Job Group, 3/31/2003

	Total Employees		Female		Total Minority		Black		Asian/ Pacific Islander		Native American		Hispanic		Veterans		Disabled	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
EEO-6 Category 4:	70		61	87.1	2	2.9	1	1.4	0	0.0	0	0.0	1	1.4	2	2.9	1	1.4
Secretarial/Clerical																		
Administrative Support	32		31	96.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Secretaries/Clerks/Typists	24		24	100.0	2	8.3	1	4.2	0	0.0	0	0.0	1	4.2	0	0.0	0	0.0
Data Entry Operators	1		1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Financial Records	4		4	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Duplicating/Mail	1		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Communication Equip. Officers	4		1	25.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	25.0	0	0.0
Sales	4		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
EEO-6 Category 5:	108		79	73.1	11	10.2	4	3.7	3	2.8	0	0.0	4	3.7	5	4.6	3	2.8
Technical/Paraprofessional																		
Science Technicians	4		2	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	25.0	0	0.0
Computer Technicians	8		6	75.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	12.5	0	0.0
Nuclear/Engineering	6		1	16.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Technicians	6		3	50.0	3	50.0	1	16.7	0	0.0	0	0.0	2	33.3	0	0.0	0	0.0
Business/Related	66		63	95.5	7	10.6	3	4.5	3	4.5	0	0.0	1	1.5	1	1.5	2	3.0
Protective Services	18		4	22.2	1	5.6	0	0.0	0	0.0	0	0.0	1	5.6	2	11.1	1	5.6
EEO-6 Category 6: Skilled Crafts	38		1	2.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	6	15.8	0	0.0
Mechanics/Repairs, Non-Sup'v	5		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Skilled Crafts, Supervisors	12		1	8.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	25.0	0	0.0
Construction Trades, Non-Sup'v	9		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Plant/System Operation	12		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	25.0	0	0.0
EEO-6 Category 7:	67		21	31.3	9	13.4	1	1.5	1	1.5	1	1.5	6	9.0	4	6.0	0	0.0
Service/Maintenance																		
Cleaning/Building Services	51		20	39.2	8	15.7	1	2.0	1	2.0	1	2.0	5	9.8	2	3.9	0	0.0
Motor Vehicle Operators	1		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Guards/Institutional	15		1	6.7	1	6.7	0	0.0	0	0.0	0	0.0	1	6.7	2	13.3	0	0.0

AVAILABILITY ANALYSIS

The Availability Analysis provides the demographic data for the area from which a specific job group hires. For example, when doing the utilization analysis, which is the next step in the plan, non-faculty employees are grouped by job while faculty are grouped by college, then department. Availability estimates are based in part on analysis of both immediate and recruitment area availabilities, listed in Tables 3 and 4. Tables 5 and 6 report an overall availability, allowing for the weights that we assign to different job groups. There are eight possible factors on which availability may be weighted.

The three that the University of Massachusetts Lowell uses are:

Factor 4 - requisite skills in the immediate labor area

Factor 5 - requisite skills in the recruitment labor area

Factor 6 - available within the organization

Another important attribute of the Availability Analysis is that each job group may assign different immediate and recruitment labor areas depending geographical regions where people have been hired historically. For example, the Secretarial/Clerical job group hires the majority of its employees from within the immediate area of, Massachusetts – New Hampshire. We obtain diverse applicant pools locally for such entry-level positions; other searches are performed at the national level. The Affirmative Action Compliance and Equal Opportunity office conducts these searches in regional and national publications to get the most exposure and most qualified applicants.

Please note that the faculty's immediate and recruitment Area Availability is the same because they both come from the National Research Council's Survey of Earned Doctorates (1975-1991), which includes the gender and racial/ethnic heritage of degree recipients.

Table 3
Workforce Immediate Area Availability, 3/31/2002

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
WORKFORCE TOTAL	1,115						
EEO-6 Category 1: Executive/Administrative/Managerial (EAM)	39						
EAM A*	3	0.00	0.00	0.00	0.00	0.00	0.00
EAM B	6	24.70	2.17	1.47	0.32	0.27	0.12
EAM C	9	55.86	4.98	3.21	0.96	0.80	0.00
EAM D	21	35.89	5.75	2.02	2.24	0.20	1.30
EEO-6 Category 2: Faculty	404	29.62	11.69	3.45	6.09	0.20	1.95
EEO-Category 3: Professional/Non-Faculty	342						
Administrative	83	59.11	3.38	0.39	1.94	0.08	0.98
Education/Training/Student Life	92	47.71	9.23	2.86	3.31	0.39	2.67
Institutional Relations	42	56.64	1.21	0.15	0.97	0.02	0.07
Library	14	91.53	2.02	2.02	0.00	0.00	0.00
Research/Post Doctorates	16	22.06	9.28	0.46	7.50	0.00	1.32
Medical Care	2	64.24	3.22	0.74	0.93	0.00	1.55
Technical	83	31.46	10.50	1.03	7.87	0.03	1.20
Other Professional Non-Faculty	10	44.71	10.89	2.30	6.81	0.01	1.78

* The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 3 (Continued)
Workforce Immediate Area Availability, 3/31/2002

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
EEO-6 Category 4: Secretarial/Clerical	103						
Administrative Support	50	68.71	7.55	0.01	0.07	0.00	7.46
Secretaries/Clerks/Typists	35	92.30	2.87	1.99	0.08	0.00	0.79
Data Entry Operators	2	88.99	7.17	2.59	3.75	0.00	0.83
Financial Records	8	90.40	4.86	0.65	3.10	0.00	1.12
Duplicating/Mail	1	56.77	13.91	4.14	0.00	0.00	9.77
Communication Equipment Officers	3	100.00	0.00	0.00	0.00	0.00	0.00
Sales	4	45.54	10.34	2.23	2.23	0.00	4.87
EEO-6 Category 5: Technical/Paraprofessional	108						
Science Technicians	7	55.80	6.17	0.19	4.94	0.00	1.04
Computer Technicians	12	41.62	8.97	0.19	8.65	0.00	0.13
Nuclear/Engineering	3	21.43	0.00	0.00	0.00	0.00	0.00
Other Technicians	5	27.58	15.63	1.33	11.95	0.00	1.43
Business/Related	59	79.18	4.63	0.64	3.10	0.07	0.82
Protective Services	22	10.47	0.00	0.00	0.00	0.00	0.00
EEO-6 Category 6: Skilled Crafts	47						
Mechanics/Repairers, Non-Supervisory	7	0.14	3.78	2.28	0.24	0.00	1.26
Skilled Crafts, Supervisors	14	8.59	2.92	0.00	0.00	0.00	2.92
Construction Trades, Non-Supervisory	14	1.02	1.80	0.03	0.64	0.24	0.89
Plant/System Operation	12	3.42	5.37	0.00	4.64	0.00	0.73
EEO Category 7: Service/Maintenance	72						
Cleaning/Building Services	56	10.70	9.09	0.39	2.34	0.09	6.17
Motor Vehicle Operators	1	5.45	5.42	1.03	1.28	0.64	2.46
Guards/Institutional	15	15.59	6.40	3.04	1.89	0.00	1.48

Table 3
Workforce Immediate Area Availability, 3/31/2003

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
WORKFORCE TOTAL	1,033						
EEO-6 Category 1: Executive/Administrative/Managerial (EAM)	37						
EAM A*	3	0.00	0.00	0.00	0.00	0.00	0.00
EAM B	7	29.15	2.57	1.72	0.41	0.34	0.10
EAM C	11	55.86	4.98	3.21	0.96	0.80	0.00
EAM D	16	39.98	5.20	2.30	1.42	0.20	1.28
EEO-6 Category 2: Faculty	365	28.37	12.07	3.44	6.46	0.19	1.98
EEO-Category 3: Professional/Non-Faculty	348						
Administrative	71	59.77	3.02	0.30	1.93	0.08	0.71
Education/Training/Student Life	106	50.26	8.63	2.52	3.30	0.34	2.48
Institutional Relations	22	58.50	2.09	0.11	1.95	0.00	0.03
Library	13	91.53	2.02	2.02	0.00	0.00	0.00
Research/Post Doctorates	28	19.40	9.09	0.45	7.34	0.00	1.30
Medical Care	2	64.24	3.22	0.74	0.93	0.00	1.55
Technical	97	30.48	10.33	0.93	7.98	0.03	1.06
Other Professional Non-Faculty	9	53.33	15.91	3.24	10.06	0.05	2.56

* The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 3 (Continued)
Workforce Immediate Area Availability, 3/31/2003

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
EEO-6 Category 4: Secretarial/Clerical	70						
Administrative Support	32	68.86	7.52	0.02	0.11	0.01	7.38
Secretaries/Clerks/Typists	24	92.20	2.99	2.16	0.06	0.00	0.77
Data Entry Operators	1	88.99	7.17	2.59	3.75	0.00	0.83
Financial Records	4	90.40	4.86	0.65	3.10	0.00	1.12
Duplicating/Mail	1	32.89	2.00	0.00	2.00	0.00	0.00
Communication Equipment Officers	4	42.19	11.46	3.65	0.00	0.00	7.81
Sales	4	45.54	10.34	2.23	2.23	0.00	4.87
EEO-6 Category 5: Technical/Paraprofessional	108						
Science Technicians	4	24.43	7.36	0.50	5.43	0.00	1.44
Computer Technicians	8	47.16	7.95	0.29	7.48	0.00	0.19
Nuclear/Engineering	6	22.45	2.60	0.22	1.99	0.00	0.24
Other Technicians	6	27.58	15.63	1.33	11.95	0.00	1.43
Business/Related	66	82.28	4.61	0.85	2.95	0.07	0.74
Protective Services	18	10.75	0.00	0.00	0.00	0.00	0.00
EEO-6 Category 6: Skilled Crafts	38						
Mechanics/Repairers, Non-Supervisory	5	0.20	5.29	3.19	0.33	0.00	1.76
Skilled Crafts, Supervisors	12	9.22	3.13	0.00	0.00	0.00	3.13
Construction Trades, Non-Supervisory	9	0.98	2.12	0.03	0.77	0.37	0.95
Plant/System Operation	12	3.42	5.37	0.00	4.64	0.00	0.73
EEO Category 7: Service/Maintenance	67						
Cleaning/Building Services	51	9.54	8.45	0.23	2.53	0.05	5.58
Motor Vehicle Operators	1	0.00	0.00	0.00	0.00	0.00	0.00
Guards/Institutional	15	15.59	6.40	3.04	1.89	0.00	1.48

Table 4
Workforce Recruitment Area Availability, 3/31/2002

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
WORKFORCE TOTAL	1,115						
EEO-6 Category 1:	39						
Executive/Administrative/Managerial							
EAM A*	3	27.52	22.06	13.81	1.40	1.44	5.37
EAM B	6	36.61	18.24	10.95	1.68	0.97	4.61
EAM C	9	52.65	17.52	10.66	1.94	0.62	4.27
EAM D	21	39.53	15.52	7.65	2.96	0.48	4.39
EEO-6 Category 2: Faculty	404	32.47	11.95	3.88	5.41	0.28	2.37
EEO-Category 3:	342						
Professional/Non-Faculty							
Administrative	83	59.11	3.38	0.39	1.94	0.08	0.98
Education/Training/Student Life	92	49.32	18.27	10.26	2.27	0.67	5.03
Institutional Relations	42	55.55	13.03	6.66	1.82	0.37	4.13
Library	14	81.32	14.64	7.72	3.37	0.45	3.07
Research/Post Doctorates	16	16.96	16.43	4.66	7.31	0.39	3.99
Medical Care	2	62.94	12.80	5.34	4.21	0.35	2.86
Technical	83	31.46	10.50	1.03	7.87	0.03	1.20
Other Professional Non-Faculty	10	44.71	10.89	2.30	6.81	0.01	1.78

* The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 4 (Continued)
 Workforce Recruitment Area Availability, 3/31/2002

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
EEO-6 Category 4: Secretarial/Clerical	103						
Administrative Support	50	68.71	7.55	0.01	0.07	0.00	7.46
Secretaries/Clerks/Typists	35	92.30	2.87	1.99	0.08	0.00	0.79
Data Entry Operators	2	88.99	7.17	2.59	3.75	0.00	0.83
Financial Records	8	90.40	4.86	0.65	3.10	0.00	1.12
Duplicating/Mail	1	56.77	13.91	4.14	0.00	0.00	9.77
Communication Equipment Officers	3	100.00	0.00	0.00	0.00	0.00	0.00
Sales	4	45.54	10.34	2.23	2.23	0.00	4.87
EEO-6 Category 5: Technical/Paraprofessional	108						
Science Technicians	7	55.80	6.17	0.19	4.94	0.00	1.04
Computer Technicians	12	41.62	8.97	0.19	8.65	0.00	0.13
Nuclear/Engineering	3	21.43	0.00	0.00	0.00	0.00	0.00
Other Technicians	5	27.58	15.63	1.33	11.95	0.00	1.43
Business/Related	59	79.18	4.63	0.64	3.10	0.07	0.82
Protective Services	22	10.47	0.00	0.00	0.00	0.00	0.00
EEO-6 Category 6: Skilled Crafts	47						
Mechanics/Repairers, Non-Supervisory	7	0.14	3.78	2.28	0.24	0.00	1.26
Skilled Crafts, Supervisors	14	8.59	2.92	0.00	0.00	0.00	2.92
Construction Trades, Non-Supervisory	14	1.02	1.80	0.03	0.64	0.24	0.89
Plant/System Operation	12	3.42	5.37	0.00	4.64	0.00	0.73
EEO Category 7: Service/Maintenance	72						
Cleaning/Building Services	56	10.70	9.09	0.39	2.34	0.09	6.17
Motor Vehicle Operators	1	5.45	5.42	1.03	1.28	0.64	2.46
Guards/Institutional	15	15.59	6.40	3.04	1.89	0.00	1.48

Table 4
Workforce Recruitment Area Availability, 3/31/2003

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
WORKFORCE TOTAL	1,033						
EEO-6 Category 1: Executive/Administrative/Managerial	37						
EAM A*	3	27.52	22.06	13.81	1.40	1.44	5.37
EAM B	7	38.90	18.14	10.91	1.72	0.92	4.56
EAM C	11	52.65	17.52	10.66	1.94	0.62	4.27
EAM D	16	44.75	15.93	8.48	2.21	0.52	4.69
EEO-6 Category 2: Faculty	365	31.77	12.37	3.89	5.67	0.29	2.51
EEO-Category 3: Professional/Non-Faculty	348						
Administrative	71	58.13	17.18	8.68	2.76	0.47	5.22
Education/Training/Student Life	106	51.90	18.80	10.63	2.25	0.68	5.19
Institutional Relations	22	54.98	12.44	6.30	1.84	0.35	3.90
Library	13	81.32	14.64	7.72	3.37	0.45	3.07
Research/Post Doctorates	28	15.62	15.92	4.41	7.30	0.36	3.78
Medical Care	2	62.94	12.80	5.34	4.21	0.35	2.86
Technical	97	30.48	10.33	0.93	7.98	0.03	1.06
Other Professional Non-Faculty	9	53.33	15.91	3.24	10.06	0.05	2.56

* The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 4 (Continued)
Workforce Recruitment Area Availability, 3/31/2003

	Total Employees	Female	Total Minority	Black	Asian/Pacific Islander	Native American	Hispanic
EEO-6 Category 4: Secretarial/Clerical	70						
Administrative Support	32	68.86	7.52	0.02	0.11	0.01	7.38
Secretaries/Clerks/Typists	24	92.20	2.99	2.16	0.06	0.00	0.77
Data Entry Operators	1	88.99	7.17	2.59	3.75	0.00	0.83
Financial Records	4	90.40	4.86	0.65	3.10	0.00	1.12
Duplicating/Mail	1	32.89	2.00	0.00	2.00	0.00	0.00
Communication Equipment Officers	4	42.19	11.46	3.65	0.00	0.00	7.81
Sales	4	45.54	10.34	2.23	2.23	0.00	4.87
EEO-6 Category 5: Technical/Paraprofessional	108						
Science Technicians	4	24.43	7.36	0.50	5.43	0.00	1.44
Computer Technicians	8	47.16	7.95	0.29	7.48	0.00	0.19
Nuclear/Engineering	6	22.45	2.60	0.22	1.99	0.00	0.24
Other Technicians	6	27.58	15.63	1.33	11.95	0.00	1.43
Business/Related	66	82.28	4.61	0.85	2.95	0.07	0.74
Protective Services	18	10.75	0.00	0.00	0.00	0.00	0.00
EEO-6 Category 6: Skilled Crafts	38						
Mechanics/Repairers, Non-Supervisory	5	0.20	5.29	3.19	0.33	0.00	1.76
Skilled Crafts, Supervisors	12	9.22	3.13	0.00	0.00	0.00	3.13
Construction Trades, Non-Supervisory	9	0.98	2.12	0.03	0.77	0.37	0.95
Plant/System Operation	12	3.42	5.37	0.00	4.64	0.00	0.73
EEO Category 7: Service/Maintenance	67						
Cleaning/Building Services	51	9.54	8.45	0.23	2.53	0.05	5.58
Motor Vehicle Operators	1	0.00	0.00	0.00	0.00	0.00	0.00
Guards/Institutional	15	15.59	6.40	3.04	1.89	0.00	1.48

REQUIRED UTILIZATION ANALYSIS (CFR 60-2.11)

Criterion's Affirmative Action Maintenance System (CAAMS) compares the census bureau's information on employees in the region's workforce in corresponding job groups to the University's information, to determine an availability benchmark. The University can then use this benchmark to set expectations within these job groups on campus. For example, if in the New England area 10 percent of directors of major departments were black males, then the expectation of the University would be to have 10 percent of our directors in major departments be black males. (In reality, job groups, not just titles, break down the employees but for the purposes of this example the broader group was used.)

The charts for Utilization Analysis Faculty (Table 5) and Utilization Analysis Non-Faculty (Table 6) combine CAAMS Utilization Charts with Goals to give the reader a better overall picture of where the University stands for the following year's placements. Both the faculty and non-faculty utilization charts site the number of females and minorities. Underutilization is designated whenever overall availability exceeds utilization. Placements are subject to change depending on fiscal constraints and last minute needs assessments. A goal is listed for each underutilized category in case an unexpected placement develops. If a particular job group is underutilized and does not have placement or termination activity within the next year then the underutilized status will not change. At the same time, if an underutilized job group does have hiring activity efforts must be made to recruit qualified individuals.

Table 5
Utilization Analysis Faculty
2002

	Total #	Female #	Female %	Minority #	Minority %	Underutilized Female	Underutilized Minority	Annual Placement Goal Female	Annual Placement Goal Minority
TENURE SYSTEM FACULTY TOTAL	404	122	30.2	56	13.9	Yes	No	3	
Chancellor's Area	3	1	33.3	0	0.0	Yes	Yes	*	1
Tenure System Faculty-Academic Affairs	401	121	30.2	56	14.0	Yes	No	3	
College of Engineering	83	10	12.0	15	18.1	Yes	No	4	
Chemical/Nuclear Engineering	9	0	0.0	1	11.1	No	No		
Civil and Environmental Engineering	9	1	11.1	2	22.2	No	No		
Electrical & Computer Engineering	22	2	9.1	8	36.4	No	No		
Mechanical Engineering	12	1	8.3	1	8.3	Yes	Yes	4	2
Plastics Engineering	17	2	11.8	2	11.8	Yes	Yes	5	2
Work Environment	12	4	33.3	1	8.3	Yes	Yes	1	2
Engineering Technology	2	0	0.0	0	0.0	No	No		
College of Arts and Sciences - Humanities	123	51	41.5	13	10.6	No	No		
Psychology	18	11	61.1	1	5.6	No	Yes		*
Sociology	5	3	60.0	1	20.0	No	No		
Philosophy	5	1	20.0	0	0.0	Yes	Yes	*	*
English	19	10	52.6	0	0.0	No	Yes		1
Political Science	5	1	20.0	1	20.0	Yes	No	*	
History	12	4	33.3	1	8.3	No	No		
Languages	6	2	33.3	2	33.3	No	No		
Criminal Justice	10	3	30.0	1	10.0	No	Yes		*
Economics	6	3	50.0	3	50.0	No	No		
Legal Studies*	3	0	0.0	0	0.0	Yes	Yes	1	1
Regional Econ. and Social Development	13	5	38.5	1	7.7	Yes	Yes	*	2
Art	8	3	37.5	0	0.0	Yes	Yes	2	*
Music	13	5	38.5	2	15.4	No	No		

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.
 ** Plans are underway to join the Legal Studies department to the Economics department.

Table 5 (Continued)
Utilization Analysis Faculty
2002

	Total #	Female		Minority #	Minority %	Underutilized		Annual Placement Goal	
		#	%			Female	Minority	Female	Minority
Tenure System Faculty-Academic Affairs (Cont.)									
College of Arts and Sciences - Sciences	101	13	12.9	17	16.8	Yes	No	3	
Biological Sciences	12	3	25.0	2	16.7	Yes	No	1	
Chemistry	15	3	20.0	2	13.3	No	No		
Mathematics	26	3	11.5	4	15.4	Yes	No	1	
Earth Sciences	8	0	0.0	1	12.5	Yes	No	2	
Physics and Applied	23	0	0.0	5	21.7	Yes	No	2	
Computer Science	17	4	23.5	3	17.6	No	No		
College of Management	26	5	19.2	5	19.2	Yes	No	2	
Accounting	8	1	12.5	0	0.0	Yes	Yes	1	1
Management	18	4	22.2	5	27.8	Yes	No	1	
College of Health Professions	51	34	66.7	4	7.8	No	Yes		2
Nursing	22	21	95.5	0	0.0	Yes	Yes		1
Physical Therapy	11	7	63.6	1	9.1	No	Yes		2
Health and Clinical Sciences	18	6	33.3	3	16.7	No	Yes		*
Graduate School of Education	17	8	47.1	2	11.8	No	Yes		*

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.

Table 5
Utilization Analysis Faculty
2003

	Total #	Female #	Female %	Minority #	Minority %	Underutilized Female	Underutilized Minority	Annual Placement Goal Female	Annual Placement Goal Minority
TENURE SYSTEM FACULTY TOTAL	365	118	32.3	59	16.2	No	No		
Chancellor's Area	1	0	0.0	0	0.0	Yes	Yes	*	*
Tenure System Faculty-Academic Affairs	364	118	32.4	59	16.2	No	No		
College of Engineering	68	9	13.2	15	22.1	Yes	No	3	
Chemical/Nuclear Engineering	9	0	0.0	1	11.1	No	No		
Civil and Environmental Engineering	9	2	22.2	3	33.3	No	No		
Electrical & Computer Engineering	18	3	16.7	8	44.4	No	No		
Mechanical Engineering	12	1	8.3	1	8.3	Yes	Yes	4	2
Plastics Engineering	17	2	11.8	2	11.8	Yes	Yes	5	2
Engineering Technology	3	1	33.3	0	0.0	No	No		
College of Arts and Sciences - Humanities	108	50	46.3	12	11.1	No	No		
Psychology	14	9	64.3	1	7.1	No	Yes		*
Sociology	4	2	50.0	1	25.0	No	No		
Philosophy	5	1	20.0	0	0.0	Yes	Yes	*	*
English	17	11	64.7	0	0.0	No	Yes		1
Political Science	5	2	40.0	1	20.0	No	No		
History	9	3	33.3	1	11.1	No	No		
Languages	8	5	62.5	2	25.0	No	No		
Criminal Justice	9	3	33.3	1	11.1	No	Yes		*
Economics	5	3	60.0	2	40.0	No	No		
Legal Studies**	3	0	0.0	0	0.0	Yes	Yes	1	1
Regional Econ. and Social Development	11	4	36.4	1	9.1	Yes	Yes	1	2
Art	5	2	40.0	0	0.0	Yes	Yes	1	*
Music	13	5	38.5	2	15.4	No	No		

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.
** Plans are underway to join the Legal Studies department to the Economics department.

Table 5 (Continued)
Utilization Analysis Faculty
2003

	Total #	Female		Minority #	Minority %	Underutilized		Annual Placement Goal	
		#	%			Female	Minority	Female	Minority
Tenure System Faculty-Academic Affairs (Cont.)									
College of Arts and Sciences - Sciences	88			17	19.3	Yes	No	1	
Biological Sciences	9	2	22.2	1	16.7	Yes	No	1	
Chemistry	13	3	23.1	2	15.4	No	No		
Mathematics	21	2	9.5	4	19.1	Yes	No	1	
Earth Sciences	5	0	0.0	1	20.0	Yes	No	1	
Physics and Applied	21	0	0.0	5	23.8	Yes	No	1	
Computer Science	19	5	26.3	4	21.1	No	No		
College of Management	26	5	19.2	7	26.9	Yes	No	2	
Accounting	7	1	14.3	0	0.0	Yes	Yes	1	1
Management	19	4	21.1	7	36.8	Yes	No	1	
School of Health and Environment	61	35	57.4	7	11.5	No	Yes		4
Nursing	16	16	100.0	0	0.0	No	Yes		1
Physical Therapy	9	7	77.8	0	0.0	No	Yes		2
Health and Clinical Sciences	17	6	35.3	2	11.8	No	Yes		1
Work Environment	19	6	31.6	5	26.3	Yes	No	2	
Graduate School of Education	13	7	53.9	1	7.7	No	Yes		1

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.

Table 6
Utilization Analysis Non-Faculty
2002

	Total #	Female		Minority		Underutilized		Annual Placement Goal	
		#	%	#	%	Female	Minority	Female	Minority
EEO-6 Category 1: Executive/Administrative/Managerial (EAM)									
EAM A**	3	1	33.3	0	0.0	No	No		
EAM B	6	2	33.3	0	0.0	Yes	Yes	1	*
EAM C	9	5	55.6	1	11.1	No	No		
EAM D	21	9	42.9	1	4.8	Yes	Yes	3	*
EEO-6 Category 3: Professional/Non-Faculty									
Administrative	83	54	65.1	4	4.8	No	Yes		1
Education/Training/Student Life	92	51	55.4	10	10.9	No	No		
Institutional Relations	42	27	64.3	4	9.5	No	No		
Library	14	8	57.1	0	0.0	Yes	Yes	5	*
Research/Post Doctorates	16	4	25.0	15	93.8	Yes	No	3	*
Medical Care	2	2	100.0	0	0.0	No	Yes		
Technical	83	27	32.5	8	9.6	Yes	No	8	
Other Professional Non-Faculty	10	5	50.0	1	10.0	No	Yes		2
EEO-6 Category 4: Secretarial/Clerical									
Administrative Support	50	49	98.0	4	8.0	No	Yes		3
Secretaries/Clerks/Typists	35	35	100.0	2	5.7	No	No		
Data Entry Operators	2	2	100.0	1	50.0	No	No		
Financial Records	8	8	100.0	0	0.0	No	Yes		*
Duplicating/Mail	1	0	0.0	0	0.0	Yes	Yes	1	*
Communication Equipment Officers	3	1	33.3	0	0.0	Yes	No	2	
Sales	4	0	0.0	0	0.0	Yes	Yes	2	*

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.
 ** The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 6 (Continued)
Utilization Analysis Non-Faculty
2002

	Total #	#	Female %	#	Minority %	Female	Underutilized	Annual Placement Goal	
						Female	Minority	Female	Minority
EEO-6 Category 5: Technical/Paraprofessional									
Science Technicians	7	5	71.4	1	14.3	No	No		1
Computer Technicians	12	7	58.3	0	0.0	No	Yes		
Nuclear/Engineering	3	0	0.0	0	0.0	Yes	No	1	
Other Technicians	5	1	20.0	2	40.0	Yes	No	2	
Business/Related	59	58	98.3	4	6.8	No	No		
Protective Services	22	5	22.7	2	9.1	No	No		
EEO-6 Category 6: Skilled Crafts									
Mechanics/Repairers, Non-Supervisory	7	0	0.0	0	0.0	Yes	Yes	3	1
Skilled Crafts, Supervisors	14	2	14.3	0	0.0	No	Yes		*
Construction Trades, Non-Supervisory	14	0	0.0	0	0.0	Yes	Yes	*	*
Plant/System Operation	12	0	0.0	0	0.0	Yes	Yes	*	1
EEO-6 Category 7: Service/Maintenance									
Cleaning/Building Services	56	19	33.9	7	12.5	No	No		
Motor Vehicle Operators	1	0	0.0	0	0.0	Yes	Yes	*	*
Guards/Institutional	15	0	0.0	1	6.7	Yes	No	2	

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.

Table 6
Utilization Analysis Non-Faculty
2003

	Total #	Female		Minority		Underutilized		Annual Placement Goal	
		#	%	#	%	Female	Minority	Female	Minority
EEO-6 Category 1: Executive/Administrative/Managerial (EAM)									
EAM A**	3	1	33.3	0	0.0	No	No		
EAM B	7	2	28.6	0	0.0	No	No		
EAM C	11	3	27.3	1	9.1	No	No		
EAM D	16	8	50.0	0	0.0	No	No		
EEO-6 Category 3: Professional/Non-Faculty									
Administrative	71	48	67.6	4	5.6	No	No		
Education/Training/Student Life	106	69	65.1	10	9.4	No	No		
Institutional Relations	22	14	63.6	0	0.0	No	Yes		*
Library	13	7	53.8	0	0.0	Yes	Yes	5	*
Research/Post Doctorates	28	5	17.9	20	71.4	No	No		
Medical Care	2	2	100.0	0	0.0	No	Yes		*
Technical	97	32	33.0	8	8.2	No	Yes		1
Other Professional Non-Faculty	9	7	77.8	0	0.0	No	Yes		2
EEO-6 Category 4: Secretarial/Clerical									
Administrative Support	32	31	96.9	0	0.0	No	Yes		1
Secretaries/Clerks/Typists	24	24	100.0	2	8.3	No	No		
Data Entry Operators	1	1	100.0	0	0.0	No	Yes		*
Financial Records	4	4	100.0	0	0.0	No	Yes		*
Duplicating/Mail	1	0	0.0	0	0.0	Yes	No	*	
Communication Equipment Officers	4	1	25.0	0	0.0	No	No		
Sales	4	0	0.0	0	0.0	Yes	Yes	2	*

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.
 ** The position of Chancellor is not included in this analysis. It is reported through the President's Office.

Table 6 (Continued)
Utilization Analysis Non-Faculty
2003

	Total #	Female		Minority		Underutilized		Annual Placement Goal	
		#	%	#	%	Female	Minority	Female	Minority
EEO-6 Category 5: Technical/Paraprofessional									
Science Technicians	4	2	50.0	0	0.0	No	Yes		*
Computer Technicians	8	6	75.0	0	0.0	No	Yes		*
Nuclear/Engineering	6	1	16.7	0	0.0	Yes	Yes	*	*
Other Technicians	6	3	50.0	3	50.0	No	No		
Business/Related	66	63	95.5	7	10.6	No	No		
Protective Services	18	4	22.2	1	5.6	No	No		
EEO-6 Category 6: Skilled Crafts									
Mechanics/Repairers, Non-Supervisory	5	0	0.0	0	0.0	No	Yes		*
Skilled Crafts, Supervisors	12	1	8.3	0	0.0	No	Yes		*
Construction Trades, Non-Supervisory	9	0	0.0	0	0.0	Yes	No	*	
Plant/System Operation	12	0	0.0	0	0.0	Yes	Yes	*	1
EEO-6 Category 7: Service/Maintenance									
Cleaning/Building Services	51	20	39.2	8	15.7	No	No		
Motor Vehicle Operators	1	0	0.0	0	0.0	No	No		
Guards/Institutional	15	1	6.7	1	6.7	Yes	No	1	

* No placement goals are made in instances where placement of less than 0.5 employees is required for full utilization.

ESTABLISHMENT OF GOALS AND TIMETABLES (CFR 60-2.12)

The goals of an affirmative action plan should not be confused with quotas. Quotas are illegal (without a judicial or administrative order) and they are not used at the University of Massachusetts Lowell. Goals are set in order to establish a target to which a compliance officer may show a "good faith" (auditor's term) effort towards utilizing affirmative action approaches. The Utilization Analysis (refer to Tables 5 and 6) provides the University with an accurate picture of the employment trends within particular job groups for non-faculty and within individual colleges and then job groups for faculty. It then identifies whether minorities or women are being underutilized.

THE UNIVERSITY'S GOALS 2002

The goals for faculty workforce utilization for 2002 are as follows:

- **College of Engineering**
 - Mechanical Engineering: 4 females and 2 minorities
 - Plastics Engineering: 5 females and 2 minorities
 - Work Environment: 1 female and 2 minorities

- **College of Arts & Sciences**
 - Division of Humanities
 - Legal Studies: 1 female and 1 minority
 - Regional, Economic and Social Development: 2 minorities
 - English: 1 minority
 - Division of Sciences
 - Biological Sciences: 1 female
 - Mathematics: 1 female
 - Environmental, Earth and Atmospheric Sciences: 2 females
 - Physics and Applied Sciences: 2 females

- **College of Management**
 - Accounting: 1 female and 1 minority
 - Management: 1 female

- **College of Health Profession**
 - Nursing: 1 minority
 - Physical Therapy: 2 minorities

The goals for 2002 non-faculty utilization are broken down first by EEO-6 category and then job group.

- **EAM B:** 1 female
- **EAM D:** 3 females
- **Professional/Non-Faculty**
 - Administrative: 1 minority
 - Library: 5 females
 - Research/Post Doctorates: 3 females
 - Technical: 8 females
 - Other Professional Non-Faculty: 2 minorities
- **Secretarial/Clerical**
 - Administrative Support: 3 minorities
 - Duplicating/Mail: 1 female
 - Communication Equipment Officers: 2 females
 - Sales: 2 females
- **Technical/Paraprofessional**
 - Computer Technicians: 1 minority
 - Nuclear/Engineering: 1 female
 - Other Technicians: 2 female
- **Skilled Crafts**
 - Mechanics/Repairers, Non-Supervisory: 3 females and 1 minority
 - Plant/System Operations: 1 minority
- **Service/Maintenance**
 - Guards/Institutional: 2 females

THE UNIVERSITY'S GOALS 2003

The goals for faculty workforce utilization for 2003 are as follows

- **College of Engineering**
 - Mechanical Engineering: 4 females and 2 minorities
 - Plastics Engineering: 5 females and 2 minorities

- **College of Arts & Sciences**
 - Division of Humanities
 - Legal Studies: 1 female and 1 minority
 - Regional, Economic and Social Development: 2 minorities
 - English: 1 minority
 - Art: 1 female
 - Division of Sciences
 - Biological Sciences: 1 female
 - Mathematics: 1 female
 - Environmental, Earth and Atmospheric Sciences: 1 females
 - Physics and Applied Sciences: 1 females

- **College of Management**
 - Accounting: 1 female and 1 minority
 - Management: 1 female

- **College of Health Professions**
 - Nursing: 1 minority
 - Physical Therapy: 2 minorities
 - Work Environment: 2 females
 - Health and Clinical Sciences: 1 minority

- **Graduate School of Education**
 - 1 minority

The goals for 2003 non-faculty utilization are broken down first by EEO-6 category and then job group.

- **Professional/Non-Faculty**
 - Library: 5 females
 - Technical: 1 minority
 - Other Professional Non-Faculty: 2 minorities

- **Secretarial/Clerical**
 - Administrative Support: 1 minority
 - Sales: 2 females

- **Skilled Crafts**
 - Plant/System Operations: 1 minority

- **Service/Maintenance**
 - Guards/Institutional: 1 female

EQUAL EMPLOYMENT OPPORTUNITY POLICY (CFR 60-2.20)

The University of Massachusetts Lowell is firmly committed to a policy of Equal Employment Opportunity and nondiscrimination. The University administers policies for personnel and student, which conducts its employment, admissions, and student practices in a manner that treats each person equally. Harassment in any form will not be tolerated. This includes racial harassment, sexual harassment, and retaliation for filing complaints of discrimination.

The Chancellor has appointed the Director of Affirmative Action Compliance and Equal Opportunity. It is the Director's responsibility to develop and monitor affirmative action and other equal employment opportunity programs. However, management at every level shares in the responsibility for promoting affirmative action and equal employment opportunity to ensure that compliance is achieved.

Equal Opportunity is a part of the fabric of all personnel decisions at the University of Massachusetts Lowell. Successful application of our affirmative action goals will provide benefits to the University in the areas of diversity and nondiscrimination, thereby creating a welcoming environment for employees as well as students.

Inquiries concerning applicable laws, regulations, policies, Title VI, Title IX, Section 504, and Americans with Disabilities Act may be sent to the Director of Affirmative Action Compliance and Equal Opportunity, One University Avenue, Lowell, Massachusetts 01854, phone: (978) 934-3565/fax (978) 934-3032.

The University is committed to compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1968, Title I and Title II of the Civil Rights Act of 1991, the Equal Pay Act of 1963, Executive Order 11246 (1965), Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106, Sections 503 and 504 of the Rehabilitation Act of 1973 as amended, the Americans with Disabilities Act of 1990, the Vietnam-Era Veterans Readjustment Act of 1974, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, the Family and Medical Leave Act of 1993, and with Massachusetts General Laws, Chapters 151B, 151C, and Chapter 149 as amended.

Inquiries regarding federal laws may be directed to:

U.S Commission on Civil Rights
Eastern Regional Office
Suite 500
624 Ninth Street, NW
Washington, DC 20425
Ivy L. Davis, Acting Director
Tel # 617-635-2500

U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202-0498
1-800-872-5327
Email: Customerservice@inet.ed.gov

Inquiries regarding state laws may be directed to:

Massachusetts Commission
Against Discrimination
One Ashburton Place
6th Floor
Room 601
Boston, MA 02108
Tel # 617-994-6000
TTY: 617-994-6196
<http://www.state.ma.us/mcad/>

Director Department of Labor
and Work Force Development
1 Ashburton Place
Room 2112
Boston, MA 02108
Tel # 617-727-6573
<http://www.mass.gov/dlwd/>
<http://www.state.ma.us>

U.S Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Tel # 617-565-3200 or 1-800-669-4000
Fax # 617-565-3196
TTY # 617-565-3204 or 1-800-669-6820

DISTRIBUTION OF PROGRAM AND POLICY (CFR 60-2.21)

In compliance with CFR 60-2.21 of Revised Order No 4, the Equal Opportunity/Affirmative Action Policy and Program of the University of Massachusetts Lowell shall be communicated to all students, employees, applicants, recruiting sources, and subcontractors as follows:

Internal Distribution

- A copy of the Chancellor's Equal Opportunity/Affirmative Action Policy Statement in the form of an Administrative Announcement is circulated annually to the University community and is included in the student handbook and current University catalogs. It is handed or mailed to each new employee upon appointment.
- A copy of the Affirmative Action Plan is made accessible to all personnel, and circulated to the Provost, Vice Chancellors, Deans and Directors. The approved Plan is considered a public document and is available in the Chancellor's Office, the Alumni/Lydon Library, O'Leary Library, and the Affirmative Action Compliance and Equal Opportunity Office.
- The Director of Affirmative Action Compliance and Equal Opportunity submits a written report on Equal Opportunity/Affirmative Action progress to the Chancellor on a periodic basis.
- The University's Grievance Procedure(s) have been dispersed throughout the University Community and continues to be dispersed annually in the Affirmative Action Hiring Process Handbook and in the Affirmative Action Plan.
- All of the University's Affirmative Action and Equal Opportunity policies and procedures can be found on the University's web site at www.uml.edu/affirmative under the Workplace Issues section.

External Distribution

- All external recruitment sources used by the University of Massachusetts Lowell (see Addendum I - Affirmative Action Referral List) continue to be informed of the University's Equal Opportunity/Affirmative Action Policy and Affirmative Action Plan and receive notification of all job openings at the University. Their cooperation is solicited to provide qualified minority, female, Vietnam-era and disabled veteran, and disabled applicants.
- All advertisements identify the University as "An Equal Opportunity/Affirmative Action Title IX, H/V, ADA 1990 Employer and Executive Order 11246,41 CFR 60-1 4 and hereby incorporated." The "Equal Opportunity/Affirmative Action" tag line has been included in all purchase orders, grants, and contracts. It appears on all communications external to the University.
- All employment openings for faculty, professional non-faculty, and non-professional positions to be filled externally may be advertised in such publications as the Chronicle of Higher Education, Boston, Lowell and Lawrence publications relevant to the position. They are also posted on the University of Massachusetts Lowell's web page. Announcements of position openings are sent to such organizations as Massachusetts Veterans' Services, Massachusetts Commission of Employment for the Disabled and the Department of Employment and Security and other relevant publications.
- The University communicates its Affirmative Action Policy and efforts on a regular basis through organizations such as Association of Affirmative Action Professionals and American Association for Affirmative Action.
- The Director of Affirmative Action Compliance and Equal Opportunity takes additional steps in distribution as necessary.

RESPONSIBILITY FOR IMPLEMENTATION (CFR 60-2.22)

The Chancellor:

- Carries ultimate responsibility for Equal Opportunity/Affirmative Action and its full achievement through the Affirmative Action Plan, both institutionally and legally.
- Works with Director of Affirmative Action Compliance and Equal Opportunity to ensure the development and implementation of the Affirmative Action Plan.
- Guarantees either an employee or student will have appropriate avenues of redress in the event of a violation of the Affirmative Action Plan.

Director of Affirmative Action Compliance and Equal Opportunity:

- Develops policy statements, affirmative action programs, internal and external communications, as well as coordinates the writing and implementation of the University Affirmative Action Plan.
- Responsible for the promotion and implementation of the Sexual Harassment Grievance Procedure and the Affirmative Action/Equal Opportunity Grievance Procedure.
- Reviews for certification all full-time and part-time hires, promotions, transfers, terminations, sabbaticals, and other personnel actions to ensure compliance with the University's Affirmative Action Program. This includes all research grants, contracts, sub-contracts, purchase orders, leases and vendors.
- Reviews, on an annual basis, administrative, staff, faculty, and student employment for patterns of discrimination; this includes teaching and research fellowships, assistantships, and associate ships.
- Evaluates the University's placement, assignment, and job classification system to ensure that there are no patterns of discrimination.
- Reviews union contracts for compliance with the University's commitment to Affirmative Action.
- Assists in the identification of problem areas.
- Assists the administration in arriving at solutions to departmental interpersonal problems.
- Serves as liaison between the University and enforcement agencies.

- Develops a relationship between the University on campus as well as off campus with minority, women's, veterans' and disabled persons organizations, and with community action groups concerned with Equal Opportunity /Affirmative Action.
- Oversees the preparation of all required government reports concerning Equal Opportunity and Affirmative Action.
- Reviews undergraduate and graduate student procedures in recruitment, admissions, academic policies, student activities, curriculum, withdrawal, graduation, scholarships, dependency allowances, placement, and supportive services.
- Advise the Vice Chancellors on topics pertinent to Affirmative Action/Equal Opportunity.
- Maintains membership in professional Affirmative Action groups and keep current on controversial topics.
- Participates in the Chancellor's Council and Council of Deans.
- Arranges periodic workshops with all hiring units to assist in the development and maintenance of a non-discriminatory workplace.

The Provost, Vice Chancellors, Deans, Directors and Supervisors:

- Adhere to established Affirmative Action Policies
- Attend informative meetings on Affirmative Action
- Ensure compliance of the staff reporting to them

REPORTS FROM THE COLLEGES AND ADMINISTRATIVE DEPARTMENTS

Student Services

The Division of Student Services reports directly to the Provost and is made up of the following offices: Student Activities, Residence Life, Disability Services, Career Services, ALANA (African, Latino, Asian, Native American) Student Center, Student Health Services, Counseling, University Police and the Dean of Students office. The Campus Ministry is an adjunct office in the division. With a long history of support for affirmative action the Division of Student Service constantly strives to provide programs, activities and services to both students and employees.

Every effort is made to employ a diverse group of students and employees in the Division of Student Services. Our success is reflected with the diversity shown in our two largest employers of students on campus, Residence Life and Orientation Program. While we have not hired new employees in large numbers, we do hire on an on-going basis at entry-level in the Police Department and Residence Life with progress being made toward hiring minorities and women.

Most of the student services staff has participated in on-going diversity training, both on and off campus. Topics on civility and racism have been well attended by both student staff and employees. With over 800 programs, events and activities offered through the SPICES (Social, Physical, Intellectual, Cultural, Emotional, Service) program in Residence Life, students have many opportunities to be exposed to such issues as multiculturalism, civility, sexual harassment, etc. With over 60 very active clubs and organizations on campus, supported and funded by SGA (Student Government Association), there are many opportunities for students, faculty and staff to join together for such diverse programs as Fear No People Week, Kwanzaa Celebration, Vietnamese New Year, Black History Month, Hispanic Heritage Month, Indian Student events, etc.

Many Student Services Staff either chair or serve as members of the Centers of Diversity and Pluralism Executive Committee and sub-committees.

The Leadership Advisory Council, jointly run by staff from Student Activities and Residence Life offer a year-long program for student leaders to develop skills in conflict resolution, time management, team building, ethics, decision making and organizational skills development including two annual leadership retreats.

The SGA supports many ethnic clubs including the Vietnamese Student Organization, Cambodian Student Organization, Indian Student Organization, LASA (Latin American Student Association), ASAO (Association of Students of African Origin) Jewish Student Organization, as well as REACH (Reaching Expectations through academic). In addition, the ALANA Student center works with many of the above student groups providing opportunities for student development. These groups provide multicultural and diversity educational activities to the entire University campus, including cultural and social events and programs. Each year many offices within Student Services design and offer programs to student's staff as part of an on-going training. These include Residence Life, Counseling, Student Health services, Student Activities, SGA, RHA (Residence Hall Association), Orientation and the Police. Topics offered include Gay, Lesbian, Bisexual and Transgender Safe Place Training, Civility, sensitivity to disabled issues, racism, violence, sexual assault, AIDS education, heritage celebration, diversity student and staff training, self-defense, and health issues. Many different mediums are used for presentation, activities, and programs from table tents in all dining areas, to bulletin boards, posters, and student media like the Connector and WJUL radio.

The Orientation Program offers opportunities to all new students by offering presentations by staff from the ALANA office and on such topics as civility on campus. Students and parents are introduced to the campus-wide diversity among its students, staff and faculty during this orientation to campus.

UNIVERSITY COLLEGES

The University is challenged by the limited number of minority applicants, despite the distribution of job openings to a wide range of referral sites in addition to advertising in minority – owned publications. The College deans are active in efforts such as the following to increase numbers of minority and female applicants.

- Increase attendance and University visibility at conferences
- Explore the use of scholarships to enhance diversity
- Work with regional corporations to establish partnerships or grants
- Provide funds to support visiting faculty
- Nurture the future applicant pool at the primary and secondary levels by providing enrichment programs, dropout prevention programs, and motivational tools

The following are summaries of the efforts being made by the individual colleges.

College of Health Professions / School of Health and Environment

The College of Health Professions has experienced three major changes for the calendar years 2002 and 2003, with the first being a name change. The College encompasses a wide variety of disciplines and wanted to reflect this within the new name School of Health and Environment. In 2003, the school embraced the addition of Work Environment that brought thirteen new faculty of which five were females and two were minorities. Also, in 2003, the School welcomed a new Dean that has been making great strides working with scholarships for incoming freshman.

During the next academic year the School will again focus its efforts on enrollment and retention of a diverse student population, especially at the graduate level. The School strives to be sensitive to customs of different cultures in order to be prepared in assisting student's reach their goals.

College of Arts and Sciences - Division of Sciences

Due to regularly changing trends, fewer high school seniors indicate interest in majoring in math, chemistry, and physics. As a result, the College of Arts and Sciences – Sciences Division is undertaking visionary efforts to reach out to local high schools to help engender interest in the post – secondary pursuit of these disciplines, specifically here at University of Massachusetts Lowell.

- A team of administrators meets regularly to plan recruitment and retention efforts for math, chemistry and physics majors
- University of Massachusetts Lowell administrators meet with Lowell High School guidance counselors to plan communication of opportunities at University Massachusetts Lowell
- The valuable Summer Opportunities in Science program has so far been able to provide paid summer internships to every applicant who applies to the program without regard to gender or race
- Housing incentives may be available to students who major in these fields from out of state
- Advanced-level high school students may obtain college credit through two-way video participation in selected University of Massachusetts Lowell science classes. This opportunity also serves as a recruitment strategy for promising students

College of Arts and Sciences – Division of Humanities

Composed of twelve departments, the College of Arts and Sciences – Fine Arts, Humanities and Social Sciences Division continues to pursue creative initiatives to increase ethnic diversity at University of Massachusetts Lowell.

Many of the departments have been active in various inter-institutional and inter-college initiatives with the goal of increasing University visibility to a broad range of student applicants, as well as nurturing the success of area students. For example, a Professor from the Psychology Department has been working with young students in Lowell and Waltham to identify and remediate issues regarding cultural biases in reading materials. A Professor from the Regional Economic and Social Development Department directs the University's Center for Family, Work and Community an organization that brings faculty, staff, and students together with community partners to solve longstanding problems in the region. In conjunction with the Graduate School of Education's Tsongas Industrial History Center, members of the Departments of History and English Department, working under a federal grant, have been participating in practical curriculum development workshops for Lowell public school teachers.

The efforts of broadcast Faculty job openings to as wide an audience as possible, the History Department posts all faculty positions on a website of interest to history scholars. Other chairs are also being asked to investigate similar sites where announcements may be made for their disciplines.

College of Engineering

“What road blocks does Engineering encounter when recruiting faculty, staff and students for the College?”

For faculty and staff, the College (and the University) always seeks to hire the best-qualified person for the position, and when qualifications are equal, will attempt to hire persons who will help maintain a diverse workforce.

For students, recruiting diverse, capable students requires a deeper involvement than merely tasking the Admissions Office with this objective. Since the difficulty lies in educating the general population on what engineers do and how they help the community, the College of Engineering works directly with local high schools and high school students to show that being an engineer is more than just designing gizmos and gadgets.

For example, for the past two years, the College has sponsored a high school Assistive Technology Design Fair. This year 2003, one of the student designs (from Lawrence High School) allowed a hearing-impaired student to communicate with their signer during class without disrupting the classroom. This program will be expanded during the current academic year.

Another program currently under development includes the NSF-sponsored Service Learning program, which will integrate elements of Service-Learning throughout the core curriculum in the College of Engineering. This Service Learning project will include domestic as well as foreign Sustainable Infrastructure projects, projects in Assistive Technology, and also community-requested projects.

During 2002 – 2003, just under 24% of the degrees in engineering were granted to women, above the national average of 21%.

College of Management

The College of Management has developed a diverse team of students who work together mentoring local high school students, with the primary goal being to keep kids in school. The team helps to educate high school students in areas such as career development, college possibilities, and salary potential for different careers.

In addition to working with local high schools the dean takes personal interest in the scholarship program and works closely with the student financial service center. The goal is to aid students with substantial loans and/or family needs enabling them to reach their dream of higher education.

Graduate School of Education

In 1990 the University of Massachusetts Lowell, in collaboration with the Lowell Public Schools, opened a Demonstration School for PK-4, and is now expanding the school to PK-8 as a community outreach and pilot for pre-service and in-service teacher development. The Demonstration School teaches in a multicultural environment that enables the students from various language and cultural backgrounds to acquire English language proficiency while maintaining respect for their own and other cultures and languages.

In addition The Graduate School of Education has been working with local high schools to encourage students to stay in school. Strong efforts are being made towards the Lowell and Lawrence High School to help students build self-esteem while developing academic skills and encouraging college aspirations. Students who qualify are encouraged to participate in a "dual enrollment" which means they take college courses via two-way television feed into their classroom. These courses are available at no cost to the students, and the credits may be applied to any college.

The Graduate School

Although the Graduate School does not employ faculty per se, the Dean has been a non-voting member of the University Rank and Tenure Committee for a number of years and has an opportunity to review resumes of new faculty hires with emphasis on increasing diversity on the Lowell campus. The Graduate School has also had in place for the past six months a "paperless" application procedure in which all-graduate application materials are delivered electronically to graduate coordinators and faculty to facilitate rapid decisions that are then transmitted electronically to applicants. Using this procedure, exceptional candidates can be notified quickly about their acceptance status in a graduate program and offered teaching or research assistantships. The Director of Corporate and Community Graduate Relations has been actively involved with minority recruitment through the McNair Scholars program and the Society of Black Engineers. Finally, the Dean has developed a recruiting mechanism to bring minority graduate students to Lowell's science and engineering programs and will serve as a graduate student mentor in an NSF proposal. We expect that many of the doctoral candidates who graduate from UMass Lowell will obtain employment as faculty members at universities or in government/industry laboratories.

Continuing Studies and Corporate Education

A national leader in continuing studies, online education and corporate training, CSCE plays an important role in defining the University's public image. CSCE successfully attracts a large student body for each of its five semesters. In addition CSCE offers tuition waivers for veterans and adults 60 years plus face-to-face courses.

The following are additional activities of the CSCE that support affirmative action compliance:

- Online credit and non-credit course offerings are expanded regularly, offering opportunities for employment and education in all geographic regions, both nationally and internationally
- CSCE received support from the Council for Diversity and Pluralism enabling all CSCE staff training, which focused on diversity issues
- CSCE received a grant to train teachers in Lawrence public schools, enabling them to achieve their Master's degree in educational administration through online education
- In collaboration with the Graduate School of Education, CSCE supports the Educational Development Center to provide summer math programs
- CSCE collaborates with the Department of Engineering to provide mentorship to high school students
- The dean of CSCE is an active community leader and volunteers in local non-profit organizations, enhancing the presence and visibility of CSCE among diverse local populations
- Inquiry is made into prospective minority applicant pools through the review of journals of higher education and academic disciplines

IDENTIFICATION OF PROBLEM AREAS (CFR 60-2.23)

1. During in-depth discussions with the University's eight deans the following problem areas were identified.
 - Lack of on campus child care for faculty, staff and students
 - Affordable housing for new faculty or staff
 - Funding for:
 - i. New support staff
 - ii. In demand faculty positions
 - iii. Marketing materials to promote various programs
 - iv. Improvement to campus esthetics

INTERNAL AUDIT AND REPORTING SYSTEMS (CFR 60-2.25)

The internal audit and reporting system has been designed to provide a formal mechanism by which the Director of Affirmative Action Compliance and Equal Opportunity and staff can measure the effectiveness of the Affirmative Action Plan. Under this system, the Compliance Manager and the Compliance Assistants are in contact with each hiring unit, to review progress toward goal achievement, goal maintenance, or noteworthy EEO achievement levels.

The CAAMS program provides the University with Affirmative Action Reports such as labor area distributions, internal availability, work force analysis, utilization analysis, job group analysis, and summary analysis. These reports provide the foundation of the Affirmative Action Plan.

Even though the policies involved in all University hiring stipulate a "posting process," when the situation is warranted, the Chancellor may elect to waive the standard "posting process" for internal or external positions. At that time, the Chancellor will file a "Waiver of Process." This deviation from the standard "posting process" will be used only in situations designated by the Chancellor.

SUPPORT OF ACTION PROGRAMS (CFR 60-2.26)

Action programs are implemented throughout the University to create a more diverse and culturally accepting community. They are the people-friendly component of the Affirmative Action Plan. A copy of the Directory of Diversity Initiatives outlines all efforts targeting protected categories in employment and academic efforts. Copies of this Directory may be obtained by contacting the Diversity office.

2002 - 2003 Minority and Women Doctoral Directory – A listing of minority graduate students, earning their doctorates at New England campuses and committed to college teaching following completion of their Ph.D., was distributed to all colleges, departments and centers on campus.

Sexual Harassment Prevention Training (ongoing) – In an effort to reach personnel on all levels the Affirmative Action Compliance and Equal Opportunity Office in conjunction with the University Ombudsperson has worked tirelessly to educate clerical, upper administration, maintenance, police, and mid-management on Sexual Harassment Prevention. In-house training is conducted for TA/RA's due to the turnover rate. The University Administration and the Faculty Union have agreed to a partnership in developing and providing Sexual Harassment Prevention training to all faculty members.

Sexual Harassment Grievance Procedure – The Chancellor and the President's Office have reviewed and adopted a Grievance Procedure to address allegations of sexual harassment. Furthermore, the Ombudsperson has been making great progress to assist with protected category issues.

Safe Zone – The Safe Zone Program at UMass Lowell is designed to provide safe places/safe persons for individuals who would like to discuss issues of sexual orientation in a trustworthy nonjudgmental setting. By displaying the Safe Zone sticker, participants in this program indicate a willingness to listen, respond non-judgmentally, and demonstrate a general attitude of respect and non-discrimination. Participants are further encouraged to avoid homophobic or discriminatory comments, jokes, and statements and to confront expressions of hatred.

RELIGION AND NATIONAL ORIGIN DISCRIMINATION GUIDELINES (CFR 60-50)

Periodically the Director of Affirmative Action Compliance and Equal Opportunity reviews all University Personnel policies and practices as they relate to Executive Order 11246.

Currently the Affirmative Action and Equal Opportunity office is making great strides to help educate employees as well as students as to religion and national origin co-existing on campus.

- The development of a diversity calendar including holidays of importance to various faith and national traditions is being created for 2004 - 2005.

AFFIRMATIVE ACTION PROGRAM FOR PERSONS WITH DISABILITIES (CFR 60-741)

Policy Regarding Individuals With Disabilities

The University of Massachusetts Lowell recognizes that the employment of individuals with disabilities is in the University's best interest, by utilizing employment skills possessed by such individuals as well as in meeting an important social and educational responsibility. The University is committed to the following steps for employment of people with disabilities:

- Will take action to employ, and advance in employment, qualified persons with disabilities.
- Ensure nondiscrimination in the admission of qualified persons with disabilities.
- Will make reasonable accommodations for physical and mental disabilities of employees and applicants for employment consistent with the qualifications required for the essential elements of a job.
- Academic adjustments to accommodate individuals in University programs or applicants for such programs will be made when appropriate and when the necessary documentation is provided.
- All applicants will be considered on the basis of their qualifications regardless of their physical or mental characteristic(s).
- All procedures will be reviewed to enable fair and equitable treatment for all applicants, employees, and students.
- Record keeping practices for known applicants and employees with disabilities will conform to the affirmative action requirements of the U.S. Department of Labor guidelines.
- Physical examinations and qualifications will be geared specifically to state law and the actual requirements of the opportunity for which the applicant is being considered; such examinations will be performed only if required of all applicants for a given position.
- The University will not reduce the amount of compensation offered because of any disability income, pension, or other benefit an applicant or employee receives from another source when the University offers employment or promotion to individuals with disabilities.

Reasonable Accommodation and Academic Adjustment Policy

The University recognizes its obligation to provide access for individuals with disabilities. When requested, reasonable accommodations are provided for qualified individuals with disabilities to enable successful performance in various employment settings. The University will also provide academic adjustments for qualified students with disabilities when requested and when such adjustments are appropriate and supporting documentation is provided. Requests for information concerning reasonable accommodation and academic adjustments, the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities should be directed to the Affirmative Action Compliance and Equal Opportunity Office, the Office of Student Services, the Counseling Center, and the Student Disability Services Office, whichever is appropriate.

Interpreting the Legal Requirements

The Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, define an individual with a disability as any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. The Director of Affirmative Action Compliance and Equal Opportunity has been designated as the Coordinator of Affirmative Action for Disabled Persons. The Director of Disability Services has been assigned as the “503 and 504 Coordinator” as well as the “Americans with Disabilities Act (ADA) Coordinator” for students. Undergraduate/Graduate students may find more information on the www.uml.edu/student-services/disab/, Undergraduate/Graduate Admissions Catalog, the Hawk Eye Student Handbook, or by contacting the Counseling Center at X 4331.

DISABILITY SERVICES

Disability Services is one of the areas that fall under the Division of Student Services umbrella. That area is committed to full access for all members of the University community. Direct services are provided to persons who are deaf or hard of hearing or who have mobility, visual or medical disabilities. Disability Services provides information and referral on issues of accessibility, individual accommodations, as well as training and staff development to the University Community.

A range of services is provided for students beginning with the transition from secondary to post-secondary education and continuing throughout the college experience. Accommodations are determined on an individual basis. The most frequent requests include accessible classrooms and appropriate dormitory space, tutoring, academic accommodations, adaptive equipment, counseling and advocacy, awareness workshops, communication access, and help finding personal assistance services.

Employees also work with the Director of Counseling Center to enable them to design the specific services that they need to be able to successfully do their job. Work areas have been provided with adaptive technology when the need is identified. In addition, hours and work assignments have been adjusted to meet the specific needs of employees with medical necessity.

ELIMINATION OF ARCHITECTURAL BARRIERS

During this last year, the University of Massachusetts Lowell completed many improvements continuing its commitment to provide a barrier free campus for all persons. An audit and update to the existing "Handicap Access Survey" program document was completed, in conjunction with budgetary support as to expedite numerous HP improvements on campus. The following is a list of primary HP project access enhancements that have been initiated since our last submission.

South Campus

Mahoney Building

- Renovation to access walkway leading to the entrance handicap ramp

Weed

- Installation of Electric "push button" corridor door openers in the New Recreation Center building

Solomont Way

- Installation of new sidewalk and curb cut onto Broadway street

O'Leary Library

- Installation of a new entrance ramp with handrails
- Resurfaced entrance concrete slab expansion joints leading to entrance doors

Sheehy Building

- New elevator controls that are ADA compliant

North Campus

Ball Building

- New entrance ramp with handrails

Lydon Library

- Construction of unisex restroom

Donahue Building

- New Elevator controls that are ADA compliant

OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA (CFR 60-250)

Policy

The University of Massachusetts Lowell will not discriminate against any employee or applicant for employment because he or she is a special disabled veteran, a Vietnam-era veteran, or other eligible veteran. Furthermore, the University of Massachusetts Lowell agrees to take affirmative action to employ and advance in employment special disabled veterans, veterans of the Vietnam-era, and other eligible veterans consistent with the Provisions of the Vietnam-era Veterans' Readjustment Assistance Act of 1974, as amended, and the Veterans Employment Opportunities Act of 1998.

Procedures

Identification of Veteran Status All applicants for professional and classified positions are invited to complete a voluntary self-identification form indicating applicable veteran status at the time of employment. Additionally, an administrative announcement is sent out annually giving veterans the opportunity to self-identify. Effective since the 2000 Vets 100 report "Other Eligible Veterans" have been included. This new category includes veterans that have served in "war" or "campaign or on an expedition for which a campaign badge, a service medal, or an expeditionary medal has been awarded". If you have any questions on eligibility status, contact the Affirmative Action Compliance Office at (978) 934-3565 or look it up at:
http://www.uml.edu/affirmative/pdf/veteran_criteria.pdf.

Accommodation to Physical and Mental Limitations: The University makes reasonable accommodations to the physical and mental limitations of disabled veterans.

Compensation: The University does not reduce the compensation offered a veteran because she or he receives disability income, pension, or other benefits as a result of military service.

Recruitment and Outreach: Vacancy announcements are sent weekly to the Veterans Technical Institute and Veterans Community Care Center in Massachusetts. The University sends written notification to all subcontractors, vendors, and suppliers that it takes seriously its requirement to provide affirmative action to protected groups of veterans.

RESULTS OF THE 2001-2002 AFFIRMATIVE ACTION PLAN (CFR 60-1.40C)

The 2001 Affirmative Action Plan identified underutilization in a number of areas. Goals were established and met for the following areas.

- Research/Post-Doctorates (females)
- Secretarial/Clerical (minorities)
- Other Professional Non-Faculty (minorities)
- Psychology (minorities)

Additionally, among other categories with established goals, utilization percentages increased in the following categories:

- Technical Professionals (minorities)
- Computer Technicians (females)

RESULTS FOR 2002 (CFR 60-1.40C)

The 2002 Affirmative Action Plan will show that none of the listed goals were fully met. Due in part to state-level budget cuts, hiring was reduced during this period.

However, among other categories with established goals, utilization percentages increased in the following categories:

- EAM D (females)
- Administrative Professional/Non-Faculty (minorities)
- Technical Professional/Non-Faculty (females)
- Nuclear/Engineering (females)
- Other Technicians (females)
- Guards/Institutional (females)

The Peoplesoft Implementation project is an ongoing system-wide University effort. The results of the final project will have a significant impact on the remaining resources throughout the University workforce. Currently some offices have been assigned “backfill positions”. Those positions are temporary in nature and are targeted to end when the Peoplesoft Implementation Project is completed. The recruitment of the “backfill” positions is carefully screened and monitored in an effort to recruit protected categories. The faculty ranks are minimally affected by the Peoplesoft Implementation Project to the same degree.

The staff and faculty sensitivity awareness issue was addressed through the Affirmative Action Plans Support of Action Programs. Over the past year the Affirmative Action Compliance Office has offered training in Sexual Harassment Prevention and Disability Sensitivity Awareness.

Please note: Due to the integration of 2002 and 2003 into one plan, the results for 2003 will be published in the 2004 plan.

ADDENDUMS
2002 - 2003

Office of the Chancellor

September 1, 2003

**ADMINISTRATIVE ANNOUNCEMENT NO.
AFFIRMATIVE ACTION / EQUAL OPPORTUNITY**

The University of Massachusetts Lowell as a public body of the Commonwealth recognizes its responsibility to promote the interests and welfare of the public which it serves. In so doing, the University of Massachusetts Lowell reaffirms its commitment to a policy of equal opportunity and affirmative action in the exercise of all its charges and obligations.

The notion of non-discrimination as implied by the concept of equal opportunity represents a noble and just posture to assume. However, it alone is often not sufficient to ensure that the effects of prior discriminatory policies and practices cease to affect the opportunity of, most particularly, people of color and women. To productively counter the adverse impact of previous discrimination, it is necessary to develop specific measures designed to eliminate barriers, which have systematically limited access to opportunities for those traditionally excluded. Such affirmative efforts must be integrally tied to all aspects of recruitment, employment, and personnel policies and practices of the University of Massachusetts Lowell.

Therefore, it is the policy of the University that:

- a. there shall be equal opportunity in employment for all persons;
- b. there shall be no discrimination in employment because of race, color, gender, marital status, sexual orientation, religion, age, national origin, disability or veteran status; and
- c. the full realization of equal opportunity will be promoted and achieved through a positive, results-oriented ongoing affirmative action program undertaken by the University of Massachusetts Lowell to overcome under-utilization of women and people of color. This policy of equal opportunity/affirmative action shall apply to and shall be an integral part of every aspect of all personnel policies and practices including recruitment, application for employment, hiring, promotion, compensation, training, transfer, suspension, termination, and all terms, conditions and privileges of employment at the University of Massachusetts Lowell.

This policy will be vigorously pursued in accordance with state and federal laws and regulations and the Equal Opportunity Regulations of the University of Massachusetts Lowell. Recognizing that equal opportunity and affirmative action cannot be limited merely to employment, the University further affirms its commitment to the concept of equal opportunity and affirmative action in the design and pursuit of all its policies and the fulfillment of its mandate.

Thus, it is imperative for the University and its officials to firmly demonstrate commitment to this policy by ensuring that all official actions to which they are party are carried forth in a manner directly consistent with the spirit and intent of Equal Opportunity/Affirmative Action Policy and the Equal Opportunity Regulations of the University. It is our responsibility to make a determined and sustained effort to provide full support for this policy.

The Affirmative Action Plan is available for inspection from 9:00 to 4:00 weekdays in the Affirmative Action Compliance & Equal Opportunity Office, Cumnock Hall, Room C-4, North Campus.

William T. Hogan
Chancellor

WTH: bm
Series 2002-2003

Office of the Chancellor

September 1, 2003

ADMINISTRATIVE ANNOUNCEMENT NO. 4
AFFIRMATIVE ACTION FOR DISABLED PERSONS

Pursuant to the regulations implementing Section 503 and 504 of the Rehabilitation Act of 1973 (amended in 1974) and redesigned in 1976 as Title 41, Chapter 60-74, and the Americans with Disabilities Act of 1990, as amended, the University of Massachusetts Lowell, as a recipient of federal funds, must take Affirmative Action to employ and advance in employment qualified disabled individuals at all levels of employment.

I have designated _____ as Coordinator of Affirmative Action for Disabled Persons under these regulations. Also, Dr. Noel Cartwright, Director of Disability Services, will continue to assist the Affirmative Action Office in matters pertaining to disabled students.

The Rehabilitation Act of 1973, as amended, defines a disabled individual for the purpose of this Act as any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. For purposes of these regulations, a disabled individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability. Also, the Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

If you have a disability and would like to be considered under the Affirmative Action Program, please contact _____ in the Affirmative Action Compliance & Equal Opportunity Office, Cumnock Hall, North Campus, (978) 934-3565. Submission of this information is voluntary and refusal to provide it will not subject you to discharge, or disciplinary treatment. An employee may choose to notify the University now or at any future time of his or her desire to benefit under the program.

Information obtained concerning individuals must be kept confidential by law, except that (1) supervisors may be informed regarding restrictions on the work or duties of disabled individuals, and regarding necessary accommodations, (2) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (3) government officials investigating compliance with the Act shall be informed.

The Affirmative Action Plan is available for inspection from 9:00 to 4:00 weekdays in the Affirmative Action Compliance & Equal Opportunity Office, Cumnock Hall, Room C-4, North Campus.

William T. Hogan
Chancellor

WTH: bm
Series 2002-2003

WORKPLACE MODIFICATION REQUEST FORM

All Information is Voluntary

ALL INFORMATION PROVIDED IS CONFIDENTIAL

NAME: _____

CAMPUS ADDRESS: _____

POSITION: _____

NATURE OF DISABILITY:

I NEED THE FOLLOWING WORKPLACE/CLASSROOM ACCOMMODATION(S):

NOTE: THE UNIVERSITY OF MASSACHUSETTS LOWELL MAY REQUEST VERIFICATION OF THE NECESSITY TO PROVIDE A MODIFIED WORKPLACE.

SIGNATURE OF EMPLOYEE

DATE: _____

Office of the Chancellor

September 1, 2003

ADMINISTRATIVE ANNOUNCEMENT
AFFIRMATIVE ACTION FOR VETERANS OF THE VIETNAM -ERA,
SPECIAL DISABLED VETERANS, AND OTHER ELIGIBLE VETERANS

In 1974, Congress passed the Vietnam-era Veterans Readjustment Assistance Act. Under this law, as a recipient of government contracts, the University of Massachusetts Lowell must undertake "affirmative action to employ and advance in employment qualified veterans of the Vietnam-era and special disabled veterans."

In October 1998, President Clinton signed the Veteran's Employment Opportunities Act, Public Law 105-339. This law requires the addition of affirmative action provisions for "other eligible veterans."

To ensure that the University will meet its obligation under these regulations, I have designated _____ as Coordinator of Affirmative Action for Veterans of the Vietnam Era, Special Disabled Veterans, and Other Eligible Veterans.

Vietnam-era Veterans who (1) served on active duty for more than 180 days, any part of which occurred between Aug. 5, 1964 and May 7, 1975 and were discharged or released with other than a dishonorable discharge; (2) were discharged or released from active duty for a service connected disability if any part of such active duty was performed between Aug. 5, 1964 and May 7, 1975; or (3) served on active duty for more than 180 days and served in the Republic of Vietnam between Feb. 28, 1961 and May 7, 1975.

Special disabled veterans who (1) are entitled to compensation and veterans who would be entitled to compensation, but for the receipt of military retirement pay, under laws administered by the Department of Veterans Affairs for a disability rated at 30 percent or more; or (2) are rated at 10 or 20 percent disabled if it has been determined that the veteran has a serious employment disability; or (3) were discharged or released from active duty because of a service-connected disability.

"Other Eligible Veteran" is a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. Active duty for training as a member of the National Guard and Reserve does not qualify an individual for protection. You will find "Criteria Identifying Other Eligible Veterans" attached to this announcement. If you have further questions on who qualifies for this group please contact the Affirmative Action Compliance Office at (978) 934-3565.

If you are a veteran of the Vietnam-era, a special disabled veteran, or an other eligible veteran covered by these regulations and would like to be considered under the affirmative action program, please fill out the attached form and send it to Ms. Barbara Lyman. This information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals will be kept confidential, except for special disabled veterans that (1) supervisors and administrators may be informed regarding necessary accommodations, and (2) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment.

Please note that employees and job applicants are protected from coercion, intimidation, interference, or discrimination for making a complaint or assisting in an investigation under this legislation.

If you have any questions contact _____ in the Affirmative Action Compliance & Equal Opportunity Office, Cumnock Hall, Room C-4, North Campus or call (978) 934-3565.

The Affirmative Action Plan is available for inspection from 9:00 to 4:00 weekdays in the Affirmative Action Compliance & Equal Opportunity Office, Cumnock Hall, Room C-4, North Campus.

William T. Hogan
Chancellor

WTH: bm
Series 2002-2003

VETERANS INFORMATION FORM

All Information is Voluntary

ALL INFORMATION PROVIDED IS CONFIDENTIAL

NAME: _____

DEPARTMENT: _____

S.S.N. : _____

DATE: _____

_____ Vietnam-era Veterans

_____ Special Disabled Veteran

_____ Other Eligible Veteran (Campaign/expedition and dates: _____)

Please return with a copy of your disability papers to:

Barbara Lyman
Affirmative Action Compliance & Equal Opportunity Office
Cumnock Hall, Room C-4
North Campus

ELIGIBILITY REQUIREMENTS

VIETNAM-ERA VETERANS

A Vietnam-era veteran is a person who

- (1) served on active duty for more than 180 days, any part of which occurred between Aug. 5, 1964 and May 7, 1975 and were discharged or released with other than a dishonorable discharge;
- (2) were discharged or released from active duty for a service connected disability if any part of such active duty was performed between Aug. 5, 1964 and May 7, 1975; or
- (3) served on active duty for more than 180 days and served in the Republic of Vietnam between Feb. 28, 1961 and May 7, 1975.

SPECIAL DISABLED VETERANS

Special disabled veterans who

- (1) are entitled to compensation and veterans who would be entitled to compensation, but for the receipt of military retirement pay, under laws administered by the Department of Veterans Affairs for a disability rated at 30 percent or more; or
- (2) are rated at 10 or 20 percent disabled if it has been determined that the veteran has a serious employment disability or
- (3) were discharged or released from active duty because of a service-connected disability.

OTHER ELIGIBLE VETERAN

An other eligible veteran is a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. Active duty for training as a member of the National Guard and Reserve does not qualify an individual for protection.

Note: Please check "Criteria Identifying Other Eligible Veterans" for campaigns/expeditions that qualify. "Criteria Identifying Other Eligible Veterans" may also be found on the Affirmative Action Compliance web site at www.uml.edu/affirmative/veterans.htm

Office of the Chancellor

September 1, 2002

ADMINISTRATIVE ANNOUNCEMENT NO.
SEXUAL HARASSMENT PREVENTION POLICY

I. Introduction

Sexual Harassment is unlawful and will not be tolerated by the University of Massachusetts Lowell.

The University of Massachusetts Lowell takes allegations of sexual harassment seriously. This policy is part of the University's effort to maintain a learning and work environment free from sexual harassment. While this policy sets forth our goals of promoting an environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Sexual Harassment Defined

Using the definition of the Equal Employment Opportunity Commission, the United States Department of Education's Office for Civil Rights and the Massachusetts Commission against Discrimination, the University defines sexual harassment as follows:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's academic performance or employment;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for decisions about academic evaluation, employment, promotion, transfer, selection for training, performance evaluation, or selection for academic awards or benefits;
- 3) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment or substantially interferes with a student's academic or an employee's work performance."

While the definition quoted above reflects the historical fact that the majority of sexual harassment complaints involve a male harasser and a female complainant (or victim), the definition applies equally to female harassers and male victims, as well as same-sex harassment.

It is also unlawful to retaliate against any person who brings a complaint of sexual harassment. For example, even if, after an investigation, it is found that a person's claim of sexual harassment is not substantiated, it is improper and unlawful to take any action to "get even" with the complaining party, whether through his or her employment or academic status, or by any threats, or by any other means.

As part of the sanctions against sexual harassment, the University of Massachusetts Lowell expressly prohibits individual(s) from taking any retaliatory action against individuals who have complained about sexual harassment and/or individuals who have cooperated with an investigation of a complaint of sexual harassment. These activities, if substantiated, will be subject to discipline up to and including termination.

As described by the United States Office for Civil Rights: "Sexual harassment consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex by an employee or an agent of a recipient (of federal funding) that denies, limits, provides different access, or conditions the provisions of aid, benefits, services or treatment protected under Title IX. Generally, harassment at its extreme occurs when a person in a position to control, influence or affect another individual's education, grades, job or career, uses their authority and power to coerce an individual or to punish that individual for refusing sexual relations."

Sexual harassment may include:

- ◆ demands for sexual favors, accompanied by implied or overt threats concerning one's job, grade, letter of recommendation, etc.
- ◆ subtle pressure for sexual activity
- ◆ unwelcome physical contact, up to and including physical assault and rape
- ◆ sexual comments and innuendoes
- ◆ visual displays of degrading sexual images

The University of Massachusetts Lowell is committed to eliminating sexual harassment from the campus while ensuring basic protection for all parties.

III. Complaints of Sexual Harassment

If any member of the University community believes that he or she has been subjected to sexual harassment or retaliation, he/she has the right to file a complaint with our Institution. This may be done orally or in writing.

If you would like to file a complaint, you may do so by contacting Barbara Lyman, Director of Affirmative Action Compliance and Equal Opportunity in Cumnock Hall, Room C-4, North Campus or phone (978) 934-3565. Ms. Lyman is available to discuss any concerns you may have and to provide information to you about the policy on sexual harassment prevention and the University complaint process.

IV. Investigation Process

If it is determined that inappropriate or unlawful conduct has occurred, the University will act promptly to eliminate the offending conduct and where appropriate will impose disciplinary action, which may include termination.

V. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using the University complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a specific time period for filing a claim.

1. The United State Equal Employment Opportunity Commission (EEOC)
1 Congress Street-10th Floor
Boston, Massachusetts 02114 (617) 565-3200
2. The Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place - Room 601
Boston, Massachusetts 02108 (617) 727-3990

Any questions regarding University policy, state or federal law, or complaints regarding any form of harassment should be addressed to Ms. Barbara Lyman, Director of Affirmative Action Compliance and Equal Opportunity, Cumnock Hall, Room C-4, North Campus.

William T. Hogan
Chancellor

WTH: bm
Series 2002-2003

SEXUAL HARASSMENT POLICY OF UNIVERSITY OF MASSACHUSETTS LOWELL

Sexual harassment is a violation of both Federal and Massachusetts law and is defined for purposes of this policy as

Unwelcome sexual advances, requests for sexual favors, and other intimidating verbal or written communications or physical conduct of sexual nature when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition in an individual's employment or academic standing;**
- 2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual; or**
- 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's education or work performance or by creating an intimidating, hostile or offensive working or learning environment.**

Sexual harassment can take many forms and the determination of what constitutes sexual harassment will vary according to the particular circumstances and with consideration to the context in which the conduct occurred. Sexual harassment may be described generally as unwelcome sexual behavior that a reasonable person would find offensive and/or that adversely affects the working or learning environment. It can involve, among others, supervisor to employee, faculty or staff to student, student-to-student, student to staff, employee to employee.

Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. These policies apply to every University employee, consultant, contractor, and student when working for the University. When both parties are students, the complainant is encouraged to use the student judicial process. Some examples of sexual harassment are, but are not limited to:

1. Persisting in making unwanted sexual advances. This may include situations beginning as mutual attractions but later cease to be reciprocal and result in harassment.
2. Making or threatening reprisals after a negative response to sexual advances.
3. Offering employment (i.e. hiring, promotion, salary increase, or performance review, etc.) or educational benefits in exchange for sexual favors or relationships. These situations may also involve and affect third parties treated less favorably because others have been offered or have acquiesced to sexual advances.
4. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, recordings, cartoons or posters in public work places, offices, or classrooms, unless the purpose of such display is part of legitimate educational activities.
5. Unwelcome verbal conduct such as making derogatory comments, slurs, jokes, unwanted sexual advances or propositions, verbal abuse of a sexual nature, graphic commentaries about an individual's body, suggestive or obscene written or electronic letters and notes or sexually degrading words used to describe an individual, etc.
6. Intentional and unwelcome physical conduct of a sexual nature such as assault, touching, impeding or blocking movement to force contact, or unwelcome hugging, etc.

These illustrations provide notice to all, both offenders and victims, of what kinds of behavior will not be tolerated by the University. Knowingly filing false reports may result in disciplinary actions as well. These behaviors are unacceptable and against University policy. Those engaging in such behavior strain the relationship of trust that must exist if the University is to foster independent, creative and enjoyable learning and discovery.

The best method for preventing the problem of sexual harassment is an ongoing campus-wide educational effort. However, corrective discipline will, at times, be necessary up to and including termination.

REPORTING PROCESS

When a complainant chooses to report an alleged incident of sexual harassment, she or he has a choice of requesting either an informal or formal hearing process. A person who believes he/she may be experiencing sexual harassment has several options to address these concerns and resolve the matter. The University requires all persons to report any claims of sexual harassment so that these may be investigated.

In cases of rape and other criminal assault, the charges must be handled through the University Police Department.

All employees of the University have the legal responsibility to refer persons who have indicated that they have been harassed to the appropriate supervisor or academic officer or the Sexual Harassment Officer (SHO) directly or to refer the incident themselves if the victim is not going forward.

An Ombudsperson Office has been established to assist in the resolution of sexual harassment allegations. An Ombudsperson is an impartial observer who helps resolve problems that develop in the University community.

1. Any member of the University community who believes that she or he has experienced sexual harassment should speak with the relevant supervisor/academic officer or the Sexual Harassment Officer (SHO). Persons who have witnessed sexual harassment or have other knowledge of a sexual harassment incident must notify the relevant supervisor/ academic or Sexual Harassment Officer of the apparent violation. An employee receiving information about an alleged incident is required to maintain complete confidentiality except for the report to the supervisor/academic officer or Sexual Harassment Officer.

Relevant supervisors or academic officers must report incidents brought to their attention to the Sexual harassment Officer within 3 working days.

2. Prompt reporting of sexual harassment by complainants is strongly encouraged within 3 working days. A report may be made to a supervisor/academic officer or Sexual Harassment Officer any time after an incident is alleged to occur. However, it should be understood that the longer the complainant waits, the more difficult it will be to pursue a resolution. Supervisors/academic officers shall report all incidents that are brought to their attention to the Sexual Harassment Officer regardless of the time that had passed. Action on a complaint is required if it is reported within six months after the (last) alleged incident. After six months, the decision as to appropriate action, if any, is at the discretion of the Sexual Harassment Officer.
3. After receiving a personal or written report about an incident, the supervisor/academic officer or Sexual Harassment Officer must respond to the complainant within five (5) working days to acknowledge receipt of the report and to inform her or him of any preliminary steps that have been taken.

When a complainant makes a report, the SHO will be available to provide information. This information will include a description of the process, discussion of the allegations, and an explanation of the options.

4. It is expected that most cases will begin with the Informal Resolution Procedure (detailed below). If a satisfactory resolution is not reached through the Informal Resolution Procedure, the complainant or the accused may pursue the Formal Resolution Procedure. In addition, the SHO, representing the University in an apparent violation of policy, may initiate the Formal Resolution Procedure even if the complainant chooses not to continue the process.
5. If the alleged offender or complainant refuses to follow the Informal Resolution Procedure then the complaint moves to the Formal Resolution Process.

INFORMAL RESOLUTION PROCESS

The sexual Harassment Officer shall, within five (5) working days of receipt of an in-person or written report about an incident, attempt to initiate the following actions:

1. Inform the complainant of receipt of the complaint and of all possible courses of action and of available campus support services. The SHO shall also describe the penalties for filing a knowingly false report. To file a knowingly false report of sexual harassment is a violation of the Sexual Harassment Policy.
2. If warranted, notify the accused that he/she has allegedly violated the University's sexual harassment policy.
3. If warranted, schedule a preliminary interview with the accused, during which the charges, process and possible remedies will be discussed.

Within twenty (20) days of receiving an in-person or written complaint the SHO will:

4. Begin a fact-finding investigation.
5. Following a fact-finding investigation, the SHO or Ombudsperson will meet with all of the individuals involved. The purpose of this meeting is to inform the parties of the finding of the investigation relative to sexual harassment and to attempt to reach a mutually satisfactory resolution.
6. If the SHO and the parties agree that the matter has been satisfactorily resolved, the SHO will confirm this in writing and close the complaint. This letter shall contain a statement that it may be referred to in any future hearings or charges of a similar nature. The letter will not be removed from the permanent Sexual Harassment Office files.
7. If the SHO or the Ombudsperson is unable to resolve the matter informally, the complaint will proceed to the formal resolution process detailed below.

FORMAL RESOLUTION PROCESS

Either party may choose to use the Formal Resolution Process if a mutually satisfactory resolution is not reached in the Informal Resolution Process. The following formal procedures will be used. All participants in the grievance process shall respect the confidential nature of the entire process.

1. Within ten (10) working days of the decision by the SHO to initiate the Formal Resolution Process, the SHO will set a date, time and place for a formal hearing. Every attempt shall be made to accommodate the schedule of both parties.
2. The SHO will notify both the complainant and the accused in writing of the date, time and place of the hearing, and review the process. This notice will be sent at least ten (10) working days in advance of the hearing date.
3. A fact-finding investigation will be carried out under the direction of the SHO.
4. If the Informal Resolution Process was not used, then the involved parties will meet with the Ombudsperson prior to the hearing. At this time efforts to resolve the complaint using the Informal Resolution Process will be presented as an option. The agreement of both parties is necessary to proceed informally. Lacking this agreement the Formal Resolution Process continues.
5. A formally constituted panel drawn from the membership of the Sexual Harassment Board will carry out the hearing. Panel members for each particular case will have received training in sexual harassment issues, adjudication procedures and Robert's Rules of Order. It is expected that the membership of each panel will be comprised of the following:
 - a. Five voting members, selected ad-hoc for each case: a chair, appointed by the Sexual Harassment Board; and four additional Board members, selected by the chair and approved by the board and meeting the following criteria:
 - Include at least one member from the constituency* of each party
 - Not include anyone from the same department or office of either party
 - b. The SHO and/or Ombudsperson may serve as observers only
 - c. A designated panel member must excuse her/himself if impartiality may be an issue

***Constituencies:**

- Classified staff (includes all clerical, all technical, all maintenance, and all police and security personnel and temporary employees)
- Professional staff (includes administration and mid-management)
- Faculty/Librarians (includes full and part-time, adjunct, and Continuing Education)
- Students (includes undergraduate, graduate, and Continuing Education)

PROCEDURES FOR HEARING PANEL

1. Robert's Rules of Order shall apply.
2. The hearings will be closed and fully confidential.
3. A certified transcript will be made, which shall be kept by the SHO as part of the permanent files.
4. All evidence to be introduced by either party may be reviewed by either party prior to the hearing and materials shall be provided at least 48 hours in advance. Exceptions to the schedule may be approved by the hearing panel.
5. The SHO will make an initial presentation of the case, evidence and charges.
6. Either party may request that witnesses appear at the hearing and may request written accounts by witnesses when they are unable to appear; the panel will not unreasonably deny such requests.
7. Each party may have an advisor, advocate, or support person of his or her choice present at the hearing. This person may not be an attorney and may not address the Hearing panel. The advisor may not be an attorney. The advisor may not address the Hearing Panel nor question the parties or witnesses.
8. Each party's questions will be directed to the panel chair but not to panel members, witnesses, or other participants. Each panel member may question the parties.
9. The panel will deliberate in private. All information and opinions must be kept in strict confidence.
10. The panel chair will notify both parties, in writing, the decision and recommendations that will be forwarded to the Chancellor. However, the specific nature of any disciplinary action is not reported to the complainant in order to protect the privacy rights of the accused.
11. The panel's findings and recommendations as well as the Chancellor's final decision will be entered into the personnel file of the accused/offender.

APPEAL

The SHO will inform the accused of his/her right to appeal the decision or the severity of the sanctions to the Chancellor's Office. An appeal must be made within five working days of receipt of the Chancellor's decision and may be based only on procedural issues.

Grounds for appeals by the accused party are as follows:

1. New and significant relevant information becomes available.
2. The procedures followed were in violation of those stated in this document.

These procedures are not intended to preempt other procedures and options which may be desired by the complainant/alleged offender or required by other statutes/policies (ie. EEOC, MCAD complaint, criminal charges).

The United States Equal Employment Opportunity Commission (EEOC)
1 Congress Street – 10th floor
Boston, Massachusetts 02114
Phone: (617) 565-3200

The Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place – Room 601
Boston, Massachusetts 02108
Phone: (617) 994-6000

Sexual Harassment Officer
Barbara Lyman
Director of Affirmative Action Compliance
Cumnock Hall, One University Avenue
Lowell, Massachusetts 01854
Phone: (978) 934-3400
Fax: (978) 934-3032
E-mail: Affirmative_Action@uml.edu

University Ombudsperson
Dr. Alan Jay Lincoln
Fox Hall 415, One University Avenue
Lowell, Massachusetts 01854
Phone: (978) 934-3400
Fax: (978) 934-4083
E-mail: ombuds@uml.edu

CONFIDENTIALITY

All participants in the Resolution Process must respect the confidentiality of the proceedings. Participants are authorized to discuss the case only with those who have a genuine and specified need to know.

COMPOSITION OF SEXUAL HARASSMENT BOARD

The membership of the Sexual Harassment Board will be composed of at least twenty persons and no more than thirty persons ideally distributed as follows:

Four or more staff members

Four or more Faculty/Librarians

Four or more students

One or more representative(s) from the Office of Student Services

One or more representatives from the Counseling Center

One or more representatives from University Police

One or more representatives from the Research Foundation

Sexual Harassment Officer (ex-officio)

Ombudsperson (ex-officio)

Faculty and staff will be appointed by the Chancellor to three-year terms. The sexual Harassment Board will nominate students for two-year terms. Members may be re-appointed at the discretion of the Chancellor.

INTERNAL GRIEVANCE PROCEDURE

There are several avenues which a student or employee can pursue if he or she believes that he or she has not been treated fairly.

1. The Equal Opportunity/Affirmative Action grievance procedure
2. Grievance procedures established within the various union contracts
3. Grievance procedures established for students

Equal Opportunity/Affirmative Action Grievance Procedure

The University of Massachusetts Lowell has established the following procedure if any student or employee believes that he or she has been discriminated against on the basis of race, color, religion, gender, age, sexual orientation, national origin, disability, veterans status or marital status.

GRIEVANCE PROCEDURE

Informal Stage

1. The employee/student should first discuss his/her grievance with the person against whom the complaint is being made.
2. If the circumstances of the grievance prevent using step 1 or if the situation is not resolved within five (5) working days, the grievant may discuss the grievance with the Director of Affirmative Action Compliance & Equal Opportunity.
3. If the grievance resulted from a violation of personnel policies, the University Affirmative Action Plan, or is a violation of employment law, the Director of Affirmative Action Compliance & Equal Opportunity shall take or direct appropriate administrative steps to enforce the policies.
4. If the grievance involves a question of judgment or opinion not covered by personnel policies, the Director of Affirmative Action Compliance & Equal Opportunity shall meet with the grievant and the person against whom the complaint is being made to resolve the grievance immediately.
5. If the Director of Affirmative Action Compliance & Equal Opportunity finds no basis for the complaint, the grievant will be so advised.

GRIEVANCE PROCEDURE

Formal Stage

1. A formal grievance must be filed within 90 days after the grievant knew or should have known of the alleged discrimination.
2. If the grievance has not been resolved at the informal stage, the grievant may submit a request in writing on the appropriate form to the Director of Affirmative Action Compliance & Equal Opportunity to have the grievance considered by a formal grievance committee.
3. The Director of Affirmative Action Compliance & Equal Opportunity will convene a grievance committee to meet within ten (10) working days after receipt of the complaint.

Such committee will include:

- a. Four persons selected from a pool of persons from the University employees, including academic and non-academic personnel and, where appropriate a student.

One person will be chosen by the grievant.

One person will be chosen by the person against whom the complaint is made.

One person selected by the Director of affirmative Action Compliance & Equal Opportunity.

A chairperson selected by mutual agreement of the three Committee members.

- b. The Director of Affirmative Action Compliance and Equal Opportunity shall serve as advisor to the Committee without a vote.

4. Grievance Procedure:

Each person named to the committee will be contacted by the Director of Affirmative Action Compliance & Equal Opportunity. The three members of the committee will be convened prior to the ten (10) day limit to select the chairperson. Every effort will be made by all parties naming members of the committee to make sure that there is an equitable representation of females and people of color on the committee. Once convened, all members of the committee act as complete neutral unit. Their charge is to decide whether or not the alleged discrimination took place and if so, to recommend appropriate remedies. **The members named to the committee do not act as representatives nor as advocates for parties who named them.** Either party has the right to have legal counsel present or to name someone to act as their representative or advocate.

The hearing proceeds in the following manner:

a) Opening statement by the chairperson

1. Introduce the members of the hearing committee plus the parties to the grievant
2. State the rules of operation for the hearing
3. Read the formal written grievance

b) Presentation by grievant (including witness) if any

c) Presentation by the person complained against (including witness) if any

d) Questions of either party by either party

e) Closing arguments by the person complained against

f) Closing arguments by the grievant

g) Questions by members of the hearing committee

h) Closed deliberation by the grievance committee

i) Preparation of findings by the Chairperson signed by all members and submitted to the Chancellor

5. The grievance committee shall hear the grievance, together with such witnesses as it deems relevant to the grievance, and shall forward its recommendation in writing to the Chancellor of the University within five (5) working days of the close of the hearing. Copies of the findings and recommendations will be made available to all parties in the grievance. Proceedings may be open or closed at the discretion of the chairperson. All proceedings will be taped and the tapes will be kept on file with the record of the grievance.

6. The grievance committee shall make every reasonable effort to reach findings and make its recommendations to resolve the matter within thirty (30) working days of

the committee's formation and to present its report to the Chancellor for review and appropriate action.

7. The Chancellor will review the findings and recommendations of the committee and will make his/her decision either to uphold or overrule the committee. Such decision will be made within ten (10) working days and will be communicated to the parties in writing.

8. APPEAL

- a) The decision of the Chancellor may be appealed in writing to the Board of Trustees by the grievant or the person against whom the complaint is made within thirty (30) working days of the date of the decision.
- b) The decision of the Board of Trustees shall be final. Where patterns of discrimination are discovered, the University shall include in its Affirmative Action Program specific goals and timetables for correcting such inequities.

9. ANY RETALIATORY ACTION OF ANY KIND BY ANY EMPLOYEE OF THE UNIVERSITY AGAINST THE GRIEVANT AS A RESULT OF THAT PERSON'S SEEKING REDRESS UNDER THESE PROCEDURES, COOPERATING IN AN INVESTIGATION, OR OTHERWISE, IS PROHIBITED AND SHALL BE REGARDED AS A SEPARATE AND DISTINCT GRIEVANCE.

NOTE: Any person who feels that he/she has been discriminated against has a right to file simultaneously with any of the State or Federal compliance agencies constituted for this purpose.

6/14/76 Approved: Dr. John B. Duff
Revised 06/77 Revised 11/81
Revised 08/77 Revised 12/82
Revised 09/80 Revised 10/84

Reviewed OFCCP 4/91

**PROTECTED CATEGORIES REQUIRING EQUAL OPPORTUNITY
AND AFFIRMATIVE ACTION**

- **Native American/Alaskan Native.** Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- **Asian/Pacific Islander.** Persons having origins in the Far East, Southeast Asia, the Indian subcontinent or Pacific Islands. These areas include, China, Japan, Korea, the Philippine Islands, Samoa, India, Pakistan, Bangladesh, Sri Lanka, Sikkim, and Bhutan.
- **Black, not of Hispanic Origin.** Persons having origins in any of the black racial groups in Africa.
- **Hispanic.** All persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin are to be treated according to their racial identity.
- **Females.**
- **Disabled.** A person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. "Life Activities" are defined as those that affect employability. "Substantially limits" means the degree that the impairment affects employability.
- **Special Disabled Veteran.** (1) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability rated at 30 percent or more; or rated at 10 or 20 percent if it has been determined that the individual has a serious employment disability; or (2) a veteran who was discharged or released from active duty because of a service-connected disability.
- **Veteran of the Vietnam-Era.** A person who (1) served on active duty for more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released with other than a dishonorable discharge; or (2) was discharged or released from active duty for a service connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975.

Veterans, meeting the above criteria that served in the Republic of Vietnam between February 28, 1961 and May 7, 1975, are also protected.
- **Other Disabled Veteran.** A disabled veteran who does not fall in the special disabled category.
- **Persons Age 40 and Above**
- **Gay, Lesbian & Bisexual**

Note: Information regarding membership in protected categories is based on voluntary, self-disclosed information.

UNIVERSITY OF MASSACHUSETTS LOWELL

EEO-6 JOB CATEGORIES AND UNIVERSITY JOB GROUPS

EEO-6 Category 1

Executive/Administrative/Managerial (EAM)

- 1.1 EAM A
- 1.2 EAM B
- 1.3 EAM C
- 1.4 EAM D

EEO-6 Category 5

Technical/Paraprofessional

- 5.1 Science Technicians
- 5.2 Computer Technicians
- 5.3 Nuclear & Engineering
- 5.4 Other Technicians
- 5.5 Business & Related
- 5.6 Protective Services

EEO-6 Category 2

Faculty

- 2.1A Regular Faculty
- 2.2B Other Faculty

EEO-6 Category 6

Skilled Crafts

- 6.1 Mechanics & Repairs, Non-Supervisory
- 6.2 Skilled Crafts, Supervisors
- 6.3 Construction Trades, Non-Supervisory
- 6.4 Plant & System Operation

EEO-6 Category 3

Professional Non-Faculty

- 3.1 Administrative
- 3.2 Education/Training/Student Life
- 3.3 Institutional Relations
- 3.4 Library
- 3.5 Research/Post-Doctoral
- 3.6 Medical Care
- 3.7 Technical
- 3.8 Professional Non-Faculty
Not Otherwise Specified

EEO-6 Category 7

Service/Maintenance

- 7.1 Cleaning & Building Service
- 7.2 Motor Vehicle Operators
- 7.3 Guards, Institutional

EEO-6 Category 4

Secretarial/Clerical

- 4.1 Administrative Support
- 4.2 Secretaries, Clerks, Typist
- 4.3 Data Entry Operators
- 4.4 Financial Records
- 4.5 Duplicating, Mail
- 4.6 Communication Equipment Operators
- 4.7 Sales

UNIVERSITY OF MASSACHUSETTS LOWELL

EEO-6 JOB CATEGORIES & JOB GROUPS

EEO-6 CATEGORY 1

**EXECUTIVE/ADMINISTRATIVE/
MANAGERIAL (EAM)**

JOB GROUP 1

EAM-A

Chancellor
Provost
Vice Chancellor

JOB GROUP 2

EAM-B

Asst. Vice Chancellor
Chief Information Officer
Dir. of External Funding/TTP
Executive Level Administrator

JOB GROUP 3

EAM-C

Dean
Assoc. Dean

JOB GROUP 4

EAM-D

MAJOR DEPARTMENT HEAD

EEO-6 CATEGORY 2

FACULTY

JOB GROUP 1A

**TENURE SYSTEM FACULTY,
BY DEPARTMENT**

Professor
Associate Professor
Assistant Professor
Instructor

GROUP 2B

**OTHER FACULTY,
BY DEPARTMENT**

Lecturer
Visiting Professor
Visiting Associate Professor
Visiting Assistant Professor
Visiting Instructor

EEO-6 CATEGORY 3

PROFESSIONAL NON-FACULTY

JOB GROUP 1

ADMINISTRATIVE

AA/EO, Auditors, Budget,
Comptroller, Fiscal Management,
Grants/Contracts,
Human Resources, Purchasing,
Program Administrators,
Staff Asst. I-IV

JOB GROUP 2

EDUCATION/TRAINING/STUDENT LIFE

Athletic Coaches, Counselors, Placement,
Residential Education, Cont. Ed.,
Special Services, Trainers,
Staff Asst. I-IV

JOB GROUP 3

INSTITUTIONAL RELATIONS

Development, Editors,
Fundraising, Publications,
Special Events, Staff Asst. I-IV

JOB GROUP 4

LIBRARY

Librarian II-IV

JOB GROUP 5

RESEARCH/POST DOCTORATES

Postdoctoral Research Associate
Postdoctoral
Postdoctoral Fellow
Research Assoc.
Sr. Research Assoc. /Asst.

JOB GROUP 6

MEDICAL CARE

Nurses and Medical Doctors

JOB GROUP 7

TECHNICAL

Analysts, Architects, Computer
Programmers, DPC, Engineers,
Fine Arts Ctr., Operations,
Laboratory, Operators, Technicians,
Staff Asst. I-IV

JOB GROUP 8

PROFESSIONAL NON-FACULTY

NOT OTHERWISE SPECIFIED

Staff Associate, Staff Assistant I-IV

EEO-6 CATEGORY 4

SECRETARIAL/CLERICAL

JOB GROUP 1

ADMINISTRATIVE SUPPORT

Administrative Assistant I-II
Clerk IV-V
EDP Entry Operators IV
Storekeeper IV

JOB GROUP 2

SECRETARIES, CLERKS, TYPIST

Clerk I-III
Typist I-II
Stenographer I-II
Librarian I
Library Assistant I-III

JOB GROUP 3

DATA ENTRY OPERATORS

EDP Entry Operator I-III

JOB GROUP 4

FINANCIAL RECORDS

Bookkeeper I-II
Receiving Teller I-II

JOB GROUP 5

DUPLICATING, MAIL

Mail Clerk I-III

JOB GROUP 6

**COMMUNICATIONS EQUIPMENT
OPERATORS**

Communication Dispatcher I-III

JOB GROUP 7

SALES

Storekeeper I-III

1A: Includes Department Chair/Head

NOTE: Job group divisions are based on the nature of the job content and do not imply a hierarchy.

Revised by B. Murphy A.A.O. 6/2002

EEO-6 CATEGORY 5
TECHNICAL/
PARAPROFESSIONAL

JOB GROUP 1
SCIENCE TECHNICIANS
Health Physics Technician
Laboratory Technician
Research Assoc. /Asst.
Sr. Tech. Research Assoc.
Staff Asst. I-IV

Job Group 2
COMPUTER TECHNICIANS
Computer Operator
Database Administrator/Specialist
Technical Assoc. /Asst.
Tech. Services Coord.
Staff Asst. I-IV

JOB GROUP 3
NUCLEAR & ENGINEERING
Asst. Nuclear Engineer
Nuclear Reactor Operator
Radiation Safety Officer

Job Group 4
OTHER TECHNICIANS
Audio-Visual Equip. Technician I-II
Research Technician
Equip. Technician

Job Group 5
BUSINESS & RELATED
Accountant I-III
Buyer I-II
Staff Asst. I-IV

Job Group 6
PROTECTIVE SERVICES
University Police Officer
University Police Sergeant

EEO-6 CATEGORY 6
SKILLED CRAFTS

JOB GROUP 1
MECHANICS & REPAIRS,
NON-SUPERVISORY
Locksmith
Machinist
Motor Equipment Mechanic I
Trades Worker

JOB GROUP 2
SKILLED CRAFTS, SUPERVISORS
Building Maintenance Supervisor I-II
Carpenter II
Electrician II
Maintenance Working Foreman
Painter II
Plumber & Steam Fitter II

JOB GROUP 3
CONSTRUCTION TRADES,
NON-SUPERVISORY
Carpenter I
Electrician I
HVAC & Refrigeration Mechanic I
Mason
Painter I
Plumber & Steam Fitter I

Job Group 4
PLANT & SYSTEM OPERATION
2nd Class Power Plant Engineer, EDU
Institutional Chief Power Plant Engineer, Gr. D
Third Class Power Plant Engineer
Steam Fireman I

EEO-6 CATEGORY 7
SERVICE MAINTENANCE

JOB GROUP 1
CLEANING & BUILDING SERVICES,
Maintainer I-II
Skilled Laborer

JOB GROUP 2
MOTOR VEHICLE OPERATORS
Maintenance Equipment Operator

JOB GROUP 3
GUARDS, INSTITUTIONAL
Institutional Security Officer I-II

**REFERRAL LIST LONG FORM
2002-2003**

Bentley College
Career Services
175 Forest Street
Waltham, MA 02452
Attn: Marie Beckwith
Tel: (781) 891-2167
Fax: (781) 891-2478
Email: mbeckwith@bentley.edu

Bristol Community College
777 Elsbree Street
Fall River, MA 02720
Attn: Tafa Awalaju
Tel: (508) 678-2811 x2195
Fax: (508) 730-3278
Email: lassad@bristol.mass.edu

Cambodian Mutual Assistance
Association (CMAA)
165 Jackson Street
Lowell, MA 01852
Attn: Frank Dawson
Tel: (978) 454-4286
Fax: (978) 454-1806

Cambridge Economic Opportunity
Committee, Inc.
11 Inman Street
Cambridge, MA 02139
Attn: Kim Houston
Tel: (617) 868-2900
Fax: (617) 868-2395
Email:
khouston@ceoccambridge.org

Career Center of Lowell
18 John Street
Lowell, MA 01852
Attn: James VanBever
Tel: (978) 458-2503

Community Teamwork, Inc.
167 Dutton Street
Lowell, MA 01852
Attn: Mary Ann Regan
Tel: (978) 459-0551 x201
Fax: (978) 937-5824
Email: mregan@comteam.org

Department of Training &
Development
Heritage Place
439 South Union St. Bldg. 2
Lawrence, MA 01843
Attn: Beverly Stopyra
Tel: (978) 722-7065
Fax: (978) 725-4761
Email: bstopyra@detma.org

Dracut High School
1540 Lakeview Avenue
Dracut, MA 01826
Attn: Cathy McGrath
Tel: (978) 682-8429
Fax: (978) 957-9717

Executive Office of Health & Human
Services
1 Ashburton Place, Room 1109
Boston, MA 02108
Attn: Victoria Mederos
Tel: (617) 727-7600 x307
Fax: (617) 727-1396

Goodwill Industries
1705 Middlesex Street
Lowell, MA 01851
Attn: George Clark
Tel: (978) 459-0351
Fax: (978) 458-1585
Email: gclark@goodwillma-nh.org

G.L.R.V.T. High School/Adult
Training
250 Pawtucket Blvd.
Tyngsboro, MA 01879
Attn: Edward Yavarow
Tel: (978) 441-4872
Fax: (978) 454-5620
Email: eyavarow@gltech.org

G.L.R.V.T. High School
250 Pawtucket Blvd.
Tyngsboro, MA 01879
Attn: Paul Siopes
Tel: (978) 454-5411 x319
Fax: (978) 441-5399

HQ STARC
Massachusetts National Guard
50 Maple Street
Milford, MA 01757
Attn: CW4 William C. Bouchard
Tel: 508-233-6596/1-888-301-3103
x6596
Fax: 508-233-6640
Email:
William.Bouchard@MA.NGB.ARMY.
MIL

Lawrence High School
233 Haverhill Street
Lawrence, MA 01840
Attn: Michael Kennan
Tel: (978) 946-0726
Fax: (978) 685-0807
Email:
mkellan@lawrence.k12.ma.us

Lawrence Public Schools
Human Resources
255 Essex Street
Lawrence, MA 01841
Attn: Salvatore H. Petralia
Tel: 978-975-5905
Fax: 978-686-1128
Email:
spetralia@lawrence.k12.ma.us

Lowell High School
Career Counselor
50 Fr. Morissette Blvd.
Lowell, MA 01852
Attn: John Silva
Tel: (978) 937-8911
Fax: (978) 446-7327

Massachusetts Commission for the
Deaf & Hard of Hearing (MCDHH)
150 Mount Vernon Street
Suite 550
Dorchester, MA 02125
Attn: Lorraine A. Burns
Tel: 617-740-1600
Fax: (617) 740-1830

Massachusetts Legislative Black
Caucus
State House, Room 127
Boston, MA 02133
Attn: Carl Jones
Tel: (617) 722-2680
Fax: (617) 722-2002

Massachusetts National Guard
50 Maple Street
Milford, MA 01757
Attn: CW4 William Bouchard
Tel: (508) 233-6596 or 1-888-301-
3103 x6596
Fax: (508) 233-6640
Email:
William.Bouchard@MA.NGB.Army.
MIL

Massachusetts Rehabilitation
Commission
325 Chelmsford Street
Lowell, MA 01851
Attn: Frank Cavatorta
Tel: (978) 458-4544
Fax: (978) 937-9879
Email:
frank.cavatorta@mrc.state.ma.us

Massachusetts Veterans Inc.
69 Grove Street
Worcester, MA 01605
Attn: Roc Graham
Tel: (508) 791-0956 x112
Fax: 508-791-5296

Merrimack Valley Skills Training
Center
18 John Street
Lowell, MA 01852
Attn: Bruce Akashian
Tel: (978) 805-4733
Fax: (978) 459-2111
Email: Bruce.Akashian@NMSDA.org

New England Conservatory Career
Services Center
290 Huntington Avenue
Boston, MA 02115
Attn: Career Services
Tel: (617) 585-1118
Fax: (617) 262-0500
Email: CareerServices@
newenglandconservatory.edu

Northeast Center for Life
Management Skills
1501 Main Street, Suite #9
Tewksbury, MA 01876
Attn: Russell Viveiros
Tel: (978) 851-0180
Fax: (978) 851-8621
Email:
russellv@centerforlifemgmtskills.com

Northeast Independent
Living Program, Inc
20 Ballard Road
Lawrence, MA 01843
Attn: Jim Lyons
Tel: (978) 687-4288
Fax: (978) 689-4488
Email: nilprogram@qwest.net

Northeastern University
Office of Affirmative
Action/Diversity
360 Huntington Avenue, 424CP
Boston, MA 02115
Attn: Bridget Key
Tel: (617) 373-2133
Fax: (617) 373-4146
E-MAIL: b.key@neu.edu

Office for Child Care Services
66 Cherry Hill Drive
Beverly, MA 01915
Attn: Jerome M. Curley
Tel: (978) 524-0012
Fax: (617) 727-2533
Email: Jerome.Curley@state.ma.us

Operation A.B.L.E.
186 South Street
Boston, MA 02111
Attn: Susan Jepson
Tel: (617) 542-4180
Fax: (617) 542-4187

Resource Partnership
251 West Central Street, Suite 31
Natick, MA 01760-3758
Attn: Kenn Cook
Tel: (508) 647-1722 x48
Fax: (978) 647-9622
Email:
Kenn@resourcepartnership.org

Shawsheen Valley Technical High
100 Cook Street
Billerica, MA 01821
Attn: Peter Quirk
Tel: (978) 667-2111 x619
Fax: (978) 671-3819
Email: quirkp@shawsheen.Tec.ma.us

Tufts University
Career Services
Dowling Hall, Suite 740
Medford, MA 02155
Attn: Donna Milmore
Tel: (617) 627-3299
Fax: (617) 627-3907
Email:
Career.Services@ase.tufts.edu

University of Massachusetts Boston
100 Morrissey Blvd.
Boston, MA 02125-3393
Attn: Colleen Carter
Tel: (617) 287-5167
Fax: (617) 287-5179
Email: Stefania.Talarico@UMB.edm

University of Massachusetts
Dartmouth
285 Old Westport Road
North Dartmouth, MA 02747-2300
Attn: George S. Smith
Tel: (508) 910-6405
Fax: (508) 999-9201
Email: G1Smith@UmassD.edu

University of Massachusetts
President's Office
One Beacon Street
Boston, MA 02108
Attn: Anna Pitocchelli
Tel: (617) 287-7042
Fax: (617) 287-7044

Urban League of Eastern MA
88 Warren Street
Roxbury, MA 02119
Attn: Sabina Texeira
Tel: (617) 442-4519
Fax: (617) 442-0562
Email: Frontdesk@ulem.org

Veterans Community Care Center
81 Bridge Street
Lowell, MA 01852
Attn: Kathleen Galenius
Tel: (978) 934-91115
Fax: (978) 671-9010

Worcester State College
486 Chandler Street
Worcester, MA 01602
Attn: Edna P. Spencer
Tel: (508) 929-8117
Fax: (508) 929-8169
Email: espencer@worchester.edu

FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act of 1993 ("FMLA") employees of the University are entitled to up to 12 weeks of unpaid leave during any calendar year. Leave may be granted for any of the following reasons:

- The birth of a child and in order to care for a child, provided any such leave concludes within 12 months of the birth of the child;
- The placement of a child with the employee for adoption or foster care, provided any such leave concludes within 12 months of the placement of the child;
- The care of an employee's spouse, child, or parent with a serious health condition; or
- The employee's own serious health condition that makes the employee unable to perform the essential function of the position.

Leaves covered by this policy will be referred to as "FMLA" leave. Any leave taken by an eligible employee for any or the reasons covered by this policy will be considered FMLA leave and will be credited as such in University records, even if the employee does not specifically identify it as FMLA leave.

Eligibility

To be eligible, employees must have been employed by the University for at least 12 months and have worked at least 1250 hours during the 12 month period immediately preceding the commencement of the leave.

Duration

FMLA leave may last for a total of up to 12 weeks during any calendar year. Alternatively, leave taken for the serious condition of a spouse, child, parent, or of the employee may be taken intermittently or on a reduced schedule, if medically necessary. This means, where appropriate, taking leave in blocks of time, or by reducing the normal weekly or daily work schedule, so long as FMLA leave does not exceed a total of 12 weeks during the calendar year. Leave for the birth, adoption, or placement of a child may be taken on an intermittent basis only by prior arrangement with the University.

An employee and spouse both working for the University who are eligible for FMLA leave are permitted to take only a combined total of 12 weeks if the leave is for the birth, adoption, or placement for foster care of child or to care for a parent with a serious health condition.

Covered Health Conditions

In accordance with the FMLA a "serious health condition" means one of the following conditions affecting the employee or the employee's child, spouse, or parent:

- An illness, injury, impairment, or physical or mental condition involving inpatient care in a hospital, hospice, or residential medical-care facility;
- Any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities for a condition that also required continuing treatment (that is, being treated two or more times, or one treatment resulting in a regimen of continuing medication or therapy) under the supervision of a health care provider (i.e. doctor, dentist, clinical psychologist);
- Continuing treatment by or under the supervision of a health care provider for a chronic or long term health condition that is incurable or so serious that, if not treated would likely result in a period of incapacity of more than 3 calendar days; or
- Prenatal care.

Leave Arrangements

Employees should submit a leave application to their immediate supervisor, who will forward it to Human Resources.

In instances where leave is foreseeable, employees must provide 30 calendar days advance notice of the leave request. In cases of planned medical treatment, the employee should consult with the immediate supervisor in an attempt to schedule the leave so as not to disrupt unduly the University's operations. Where leave is not foreseeable, such as during a medical emergency, notice must be given as soon as

practicable, and ordinarily within one or two business days of when the employee learns of the need for the leave.

Where the leave is for the serious medical condition of the employee or the employee's spouse, child, or parent the employee must submit a medical certification form supporting the need for the leave. This form will be provided by the Human Resources Department and will be filled in by the employee's health care provider. In certain instances, a second or third medical certification may be required at the University's expense. An employee will not be permitted to commence or remain on a FMLA leave unless a valid medical certification is provided.

In the case of a foreseeable intermittent leave for planned medical treatment or during a period of recovery from a serious health condition, the University may require an employee to transfer temporarily to an available alternative position, at the equivalent pay and benefits, for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

Pay During Leave

Except as provided in this paragraph, all FMLA days are without pay. However, an employee may use accrued vacation and personal days for any covered FMLA leave, may utilize accrued sick days for FMLA leaves due to the employee's own serious health, and may use family sick leave for the illness of a spouse, child or parent. The University may, in its discretion, based on the needs of the campus, require an employee to utilize accrued vacation, personal, or sick days during a covered leave. The Human Resources Office will notify the employee if the University is going to require the use of accrued time during a covered leave.

Benefits During Leave

The University will maintain group health insurance coverage during a covered FMLA leave on the same terms as if the employee had continued to work. Employees will be advised by the Human Resources Office about the amount and method of payment of their portion of the health insurance premium.

In the event an employee does not return from a covered FMLA leave, except if the reason is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee, the university will recover any health insurance premiums it paid during the unpaid portion of any leave by deducting any such amounts from amounts due the employee, if any, or by otherwise seeking recovery of the premium through the legal process.

The University will maintain other benefits, such as life and disability insurance, in effect during the paid portion of a covered FMLA leave, and during any unpaid portion of a covered FMLA leave upon timely payment of the full premium by the employee, as specified by the Human Resources Office.

Communication By Employee During Leave

The University may require the employee to submit medical re-certifications during a leave at 30 calendar day intervals, and it may require an employee to report periodically on their status and intent to return to work. In cases of leaves due to the employee's own serious health condition which exceed 60 calendar days, employees must establish their fitness to return to duty in accordance with procedures in effect on their campus.

Reinstatement Following Leave

Employees who return from covered FMLA leaves will be reinstated to their same or equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Coordination With Other Statutes

The FMLA does not supersede any provision of state law that provides greater family or medical leave rights than the rights established under state law and the FMLA run concurrently where both laws cover the same type of leave. For example, state law provides maternity/adoptive leave; time spent on such leave will simultaneously be counted toward FMLA leave eligibility.

Implementation

The President of the University of Massachusetts Lowell is hereby delegated authority to implement, amend, or modify this policy for non-unit employees of the University.

The Small Necessities Leave Act

A newly enacted statute, G.L. c. 149, P 52D ("Act"), mandates that certain eligible employees be permitted to take a total of 24 hours of unpaid leave during any 12-month period. These 24 hours are in addition to the 12 weeks already allowed under the Federal Family and Medical Leave Act. The Office of the Attorney General has been entrusted with the enforcement of the statute.

The Act incorporates by reference P 2611 through 2615 of the Federal Family and Medical Leave Act, 29 U.S.C. P 2609 et. seq. In order to fully understand the Act, and comply with its provisions, employers and employees need to review the parallel federal statute. The purpose of this Advisory is to provide notice of the Attorney General's interpretation of the state statutory requirements.

Eligible employees:

Employees are eligible for the 24 hours of leave under the statute if their employer has 50 or more employees. 29 U.S.C. P 2611 (A). For purposes of determining the number of employees, the statute includes all employees of the same employer working within 75 miles of the worksite of the employee requesting the leave. Id. In addition, the employee must (i) have been employed for at least 12 months by the employer from whom the leave is requested, and (ii) provided at least 1,250 hours of service to the employer during the previous 12 month period. Id.

Purposes for which the leave may be taken:

The 24 hours of leave may be taken by an eligible employee for any of the following purposes:

- (1) to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- (2) to accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations;
- (3) to accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relate to the elder's care, such as interviewing at nursing or group homes.

G.L. c. 149, P.52D(b).

Given the breadth of the statute, employers are urged to give a liberal interpretation to the purposes for which the leave may be taken.

Definitions:

The term "son or daughter" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. The son or daughter must either be under 18 years of age or 18 years of age or older and incapable of self-care because of mental or physical disability. 29 U.S.C. P2611(12).

The term "elderly relative" is defined as an individual of at least 60 years of age who is related by blood or marriage to the employee. G.L.c. 149, P 52D(a).

The term "school" is defined as a public or private elementary or secondary school; a Head Start program assisted under the Head Start Act, 42 U.S.C. P 9831, et seq.; or a child's daycare facility licensed under G.L.c. 28A.

Any twelve month period:

Employers are permitted to choose any of the following methods for determining the "12-month period" in which the 24 hours of leave may be taken. Whatever method chosen must be applied consistently and uniformly to all employees.

- the calendar year;
- a fiscal year;
- the employee's anniversary date;
- the 12-month period measured forward from the date of the employee's first request for leave under the Act; or
- a "rolling" 12-month period measured backward from the date an employee uses any leave under the Act.

Intermittent Leave:

Leave under the Act may be taken intermittently or on a reduced leave schedule. An eligible employee need not take the entire 24 hour leave at once, but may take a few hours of time depending on the employee's needs, as long as the total leave does not exceed 24 hours during any 12 month period. Employers may require that employees take the leave in minimum increments of no less than one (1) hour.

Substitution with vacation/personal/sick leave:

An eligible employee may elect, or the employer may require the employee, to substitute any of the employee's accrued paid vacation leave, personal leave or sick leave for any of the leave provided under the Act. G.L.c. 149, P 52(c). While the 24 hours need not be paid, if the employee chooses to substitute it for paid leave that the employee has accrued, the 24 hours of the leave period would then also be paid in the same manner as the paid leave. The Act does not require employers to provide paid sick leave or paid medical leave in any situation where the employer would not normally provide such paid leave. Id.

Notice requirement:

To be entitled to the leave period, employees must provide notice to their employer as follows:

- If the need for leave is foreseeable, the employee must request the leave not later than seven days in advance;
- If the need is not foreseeable, the employee must notify the employer as soon as practicable under the particular circumstances of the individual case.

G.L.c. 149, P 52D(d).

Employers may require that a request for leave be supported by a certification. G.L.c. 149, P 52D(e). Attached to this Advisory is a suggested form that may be used by employees to fulfill this obligation if so required. A certification, if timely produced, may serve to comply with the Act's notice requirement. Certificates and/or requests for leave provided by employees must be kept in the employee's personnel record and must be maintained for three years. G.L.c. 149, P 52C. Records and documents relating to medical certifications or medical histories of employees' family members must be maintained as confidential medical records and kept in files separate from the usual personnel files.

Enforcement:

The Act authorizes the Attorney General to initiate a criminal action against an employer who violates the Act and/or to seek injunctive or declaratory relief against such employer. As noted earlier, the Act incorporates, among other sections, Sections 2614 and 2615 of the Federal Family and Medical Leave Act. These sections specify the conduct prohibited by the Act. The Act is violated if the employer:

- Fails to provide the leave properly requested by an eligible employee; or
- Fails to restore the employee to the position held by the employee when the leave commenced, or fails to restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment; or
- Discharges or in any manner discriminates against any individual for opposing any practice made unlawful by the Act (29 U.S.C. P 2614); or
- In any other manner discriminates against any individual because the individual:
 - Has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to the Act; or
 - Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under the Act; or
 - Has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under the Act.

29 U.S.C. P 2615

In the absence of any relevant state case law interpreting the Act, the Attorney General intends to look for guidance to the federal interpretation of those provisions which are incorporated into the Act.

Any employer convicted of a criminal violation of the Act is subject to a \$500 fine. G.L.c. 149, P 180. In addition, any aggrieved employee may institute a civil action for injunctive relief and/or damages against his or her employer. Should the employee prevail, he or she will be entitled to treble damages, costs of the litigation and reasonable attorney's fees. G.L. c. 149, P 150.

Employers are encouraged to notify employees of their eligibility to request leave under this Act by way of posting or issuing a memoranda to all employees. For this purpose, a posting form approved by the Office of the Attorney General is attached to this Advisory.

University of Massachusetts Lowell
Drug-Free Schools and Campuses

Drug Policies and Regulations

All students/employees at the University of Massachusetts Lowell are expected to abide by all Federal, State and local laws, including those regulating the use, possession, sale, distribution, manufacture and cultivation of illicit drugs.

In addition, Congress amended Title XII of the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this new amendment any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employee.

It is therefore, the University's responsibility to insure that every student/employee is aware of the following information:

A. Sanctions for the Use of Illegal Drugs

1. Use/Possession

- a. First possession - requires the satisfactory participation in a drug abuse assistance or rehabilitation program.
 - b. Subsequent use/possession - Sanctions ranging from suspension to expulsion from the University.
2. Possession with Intent to Distribute - Sanctions ranging from disciplinary probation to suspension and expulsion.
3. Sale or Distribution - Sanctions ranging from suspension to expulsion.
4. Manufacture/Cultivation - Sanctions ranging from suspension to expulsion.

B. Federal, State and Local Sanctions for unlawful use, possession, distribution, sale manufacture and cultivation of illicit drug.

C. Drug - Health Risks

D. Referrals/Resources for Drug-Related Problems

Services and resources are available to all members of the University community, to provide accurate information relating to drugs and alcohol, to support individual needs and to assist at crisis points. Listings of resources on campus are available by calling the Counseling Center (934-4332), student health Services (934-4991) and the Human Resources Office (934-3555).

In addition, individuals who wish to enroll in drug abuse assistance and rehabilitation programs should check the University's insurance and there own insurance to verify if they are covered for these policies.

E. Definitions

Area under jurisdiction of the University-includes all (1) property occupies, leased or used by the University; (2) property owned, occupied, leased or used by the University of Massachusetts Lowell Building Authority; and (3) property occupied or used by any other university-recognized organization.

Controlled Substance - means a controlled substance in schedules I. through V. of Section 202 of the Controlled Substances Act (21 U.S.C. 812);

Conviction - means a finding of guilty (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Employee- elected or appointed officers or employee, including all members of the University faculty or staff whether serving full or part-time, temporary or permanent, compensated or uncompensated.

Manufacture - the production, preparation, propagation, compounding, conversion or processing of a controlled substance.

Possession - the knowing or intentional possession of a controlled substance; having direct physical control over a controlled substance.

Student - any person enrolled in a class or course at the University, whether full or part-time, graduate or undergraduate.

University - the University of Massachusetts Lowell, all campuses, including the Tsongas Arena and all leased space or space occupied with a user permit or license for the conduct of University business.