

Rodney Sakaguchi

UNIV. OF HAWAII
U H BUDGET OFFICE
SEP 16 8 39 AM '91

September 9, 1991

MEMORANDUM

TO: Mr. H. Howard Stephenson
Chairperson, Board of Regents

FROM: Albert J. Simone *Albert J. Simone*
President, University of Hawaii and
Chancellor, University of Hawaii at Manoa

SUBJECT: REORGANIZATION PROPOSAL TO ESTABLISH AN OFFICE OF EQUAL
EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (MANOA)

1. Specific Action Requested

Approval of the Board of Regents is requested to establish an Office of Equal Employment Opportunity and Affirmative Action (OEEOAA) at Manoa.

2. Recommended Effective Date

It is requested that the establishment of the OEEOAA (Manoa) be effective upon approval by the Board of Regents.

3. Background/Nature of the Proposal

a. Purpose

The purpose of this reorganization request is to improve the effectiveness of the University's equal employment opportunity/affirmative action program so that it more fully complies with legal and policy obligations.

In 1990, the Legislative Auditor recommended increased staffing, resources, and visibility for the equal employment opportunity/affirmative action program at Manoa.

b. Present Organization

Under the present organization, a Director of Equal Employment Opportunity/Affirmative Action (Manoa), Pos. No. 89236, is located in the Office of the President and reports directly to the President.

c. Proposed Organization

This reorganization will establish an OEEOAA (Manoa) reporting directly to the President. Pos. No. 89236, the current Director of Equal Employment Opportunity/Affirmative Action (Manoa) will head this office. In addition, three new permanent positions appropriated by the 1991 Legislature will be assigned to this office under the supervision of Pos. No. 89236.

The OEEOAA (Manoa) will oversee equal employment opportunity and affirmative action programs for the Manoa campus as its primary responsibility. A major objective of this office is to promote a climate in which students and employees can expect equal opportunity and unprejudiced treatment.

Although the primary focus of the OEEOAA (Manoa) is on Manoa activities, approximately 20 percent of its operations will entail systemwide functions. An example of such systemwide functions is the development and dissemination of systemwide equal employment opportunity/affirmative action policies and procedures.

4. Impact on Staffing and Resources

The three new permanent positions mentioned above are: 1) Pos. No. 92453F, Secretary; 2) Pos. No. 92972F, UH Personnel Officer; and 3) Pos. No. 92974F UH Computer Specialist. The Legislature has appropriated \$88,500 for fiscal year 1991-1992, and \$92,349 for fiscal year 1992-1993 for these positions.

For your information, another new permanent position, 92973F, UH Registered Architect was also appropriated by the 1991 Legislature for equal employment opportunity/affirmative action purposes. This position will be organizationally assigned to the Vice President for Finance and Operations in the facilities planning area.

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5. Consultation With Exclusive Employee Collective Bargaining Representatives

Consultation with the Hawaii Government Employees' Association, United Public Workers, and University of Hawaii Professional Assembly has been completed with regard to the proposed reorganization.

6. Recommended Action

It is requested that the Board of Regents place the OEECAA (Manoa) reorganization proposal on the agenda for its September 1991 meeting. The proposed OEECAA (Manoa) will strengthen the University's equal employment opportunity/affirmative action program and accommodate additional staffing and workload. Approval is therefore recommended.

Attachment

cc: Board Secretary Shiramizu
Director Sakaguchi
Director Watanabe

Executive Summary

UNIVERSITY OF HAWAII, MANOA CAMPUS OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (EEO/AA)

Enclosed for your information is a reorganization proposal to establish a UH Manoa Office of Equal Employment Opportunity and Affirmative Action that reports to the Office of the President. The reorganization reflects the transfer of the EEO/AA Director (#89236) from the Office of the President to the new Office of EEO/AA and the addition of three new positions appropriated by the 1991 Legislature: Secretary (#92453F), UH Personnel Officer (#92972F), and UH Computer Specialist (#92974F). The new positions have yet to be established and classified by the Personnel Management Office. Other than the addition of the new positions, no other impact on staffing or students is anticipated.

The proposed reorganization will improve the effectiveness of the University's EEO/AA programs and help the University to more fully comply with its legal and policy obligations. The primary reasons for the change are to establish greater visibility and independence for the EEO/AA program and to reflect the increased allocation of resources dedicated to program activities. Specifically, the new UH Personnel Officer will increase the program's ability to offer educational workshops, implement new monitoring and auditing procedures, conduct fact-finding on discrimination complaints, and engage in long-term planning in coordination with campus advisory committees. The UH Computer Specialist will provide research support by conducting studies and preparing special reports, in addition to preparing federally mandated reports. This will enhance the program's ability to monitor campus employment practices from an EEO/AA perspective and to inform administrators, staff, and students of our progress and areas of concern.

The function of the proposed Office of EEO/AA is to promote a climate in which students and employees can expect equal opportunity and unprejudiced treatment. The Office is primarily concerned with EEO/AA responsibilities as they relate to employment practices of the Manoa campus. These responsibilities include: providing education and technical assistance, monitoring employment practices, developing and disseminating campus policies and procedures, developing the campus affirmative action plan, advising the President of EEO/AA progress and problem areas, handling discrimination complaints, and performing community outreach to enhance recruitment. Approximately 20% of the Office's activities relate to systemwide responsibilities: developing and disseminating systemwide EEO/AA policies and procedures, preparing affirmative action reports for Systems Offices workforce, providing technical assistance to other campuses, coordinating the University's response to systemwide audits or discrimination complaints, serving as systemwide liaison to state and federal agencies, coordinating the design and preparation of systemwide federal reports, and, on occasion, investigating step 2 discrimination complaints referred to the Office of the President by other campuses.

9/4/91

Reorganization Proposal -- Office of Equal Employment
Opportunity and Affirmative Action (EEO/AA)

The format for the following proposal is prescribed by UH Systemwide Administrative Procedure A3.101, University of Hawaii Organizational and Functional Changes.

- a. Present Organization. The Director of EEO/AA is located in the Office of the President and reports directly to the President. (See current University of Hawaii Administration Chart and detail in UH Statewide Administration Position Organization Chart A).
- b. Proposed Organization. The reorganization would establish an Office of EEO/AA reporting to the Office of the President. The current position of Director of EEO/AA would be moved from the President's Office organizational chart to the new Office of EEO/AA. Three new positions appropriated by the 1991 Legislature would be included in the Office of EEO/AA.

The following changes would be made in the attached organizational charts:

University of Hawaii Administration Chart: change
"Director of EEO/AA" to "Office of EEO/AA."

UH Statewide Administration Position Organization Chart
A: delete the position of Director of EEO/AA from Office
of the President and move to the new Office of EEO/AA
shown in Chart AA.

UH Office of Equal Employment Opportunity/Affirmative
Action (Manoa) Position Organization Chart AA (new):
describes the proposed Office of EEO/AA, reporting to the
Office of the President. The Director of EEO/AA (#89236)
would supervise three new staff members: Secretary
(#92453F), UH Personnel Officer (#92972F), and UH
Computer Specialist (#92974F). These positions have yet
to be established and classified by the Personnel
Management Office.

c. Background/Nature of the Proposed Reorganization

- 1) Factors prompting the reorganization. The main factors prompting the reorganization are increased workload and changing needs of the Manoa campus.

As a recipient of federal funds and contracts, the University of Hawaii is required to establish an equal opportunity/affirmative action program that constitutes

"a set of specific and result-oriented procedures to which [the University] commits itself to apply every good faith effort" (Title 41 CFR, Chapter 60-2.10). The program, policies, and even the duties and responsibilities of the EEO/AA officer are explicitly stated in federal regulations enforced by the U.S. Office of Federal Contract Compliance and the Office for Civil Rights. These regulations require that the EEO/AA officer be an executive of the institution with the necessary top management support and staffing to execute his or her duties.

In 1984, the U.S. Office of Federal Contract Compliance (OFCCP) audited the Manoa campus affirmative action program and concluded that the program was not in compliance with federal standards. Insufficient staff resources were among the problems cited. As part of its conciliation agreement with OFCCP, the position of Director of EEO/AA was established within the Office of the President. Up to this time, the EEO/AA officer's responsibilities had been fulfilled through a temporary appointment or assignment of duties.

The position of EEO/AA Director is responsible for overseeing the Manoa campus affirmative action program and advising the Chancellor of its development and implementation. This person works to ensure compliance with federal and state nondiscrimination laws by identifying problem areas, disseminating information, conducting educational programs, handling complaints, monitoring department efforts, preparing the annual affirmative action plan and federally mandated reports, and coordinating with other colleges, community agencies, and enforcement authorities.

In 1986, a Director of EEO/AA was appointed and assumed the EEO/AA responsibilities of the Manoa campus officer. With the departure of the systemwide Employee Relations Administrator (temporary position), the Director also assumed systemwide duties such as preparing the affirmative action plan for Systems Offices; providing technical assistance to other campuses; handling systemwide complaints; coordinating systemwide federal reports such as the EEO-6 and the Federal Contractor Veterans Employment Report (VETS 100); developing or revising systemwide EEO/AA policies; and occasionally hearing step II complaints from other campuses.

Since the OFCCP audit, increased workload, new federal requirements, and changing campus expectations about affirmative action programs have created a need to expand the Manoa campus EEO/AA program. For example, the number

of discrimination complaints involving the UHM campus grew from 15 in 1984 to 67 in 1990, resulting in delays in investigating and resolving complaints. In 1987, the U.S. Department of Labor implemented the VETS 100 reporting requirement which necessitated a survey of all UH employees, updating the Faculty Staff Information System (FSIS), and developing new computer based reports. In 1988, OFCCP issued a compliance manual which included more specific internal audit procedures and reports, thereby expanding the EEO/AA officer's duties and responsibilities.

In 1990, the Legislative Auditor reviewed the University's EEO/AA programs and recommended increased staffing, resources, and visibility for the EEO/AA program at Manoa.

As a result of public concern and documented changes in workload, the Legislature appropriated funds in the University's 1991-93 PCR to increase staff support for the Manoa Campus EEO/AA programs. The proposed EEO/AA Office would include the existing Director of EEO/AA (#89236), and three new positions: a Secretary (#92453F), a UH Personnel Officer (#92972F), and a UH Computer Specialist (#92974F). The UH Personnel Officer will assist the Director in handling complaints, providing education, monitoring hiring practices, and performing community outreach. The UH Computer Specialist will coordinate with PMO and MSO in the preparation of federally mandated reports, update the annual Affirmative Action Plan, analyze data and prepare reports, and conduct salary equity studies and related EEO/AA research.*

The proposed reorganization is intended to accommodate the above increase in EEO/AA staff, workload, and responsibilities. Although the mission of the EEO/AA program remains the same, the reorganization more accurately reflects the strengthening of the EEO/AA functions.

* Note: In the 903 program change request for the University's EEO/AA compliance activities, the Legislature also appropriated funds for a UH Registered Architect (#92973F). This position will be assigned to the Vice President for Finance and Operations to provide systemwide education, interagency coordination, and technical assistance services related to the architectural access requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The position will perform systemwide facilities planning and will monitor construction and renovation projects to prevent or correct architectural barriers to the disabled.

The new EEO/AA Office for the Manoa campus would have the following functions and responsibilities:

The EEO/AA Office promotes a climate in which students and employees can expect equal opportunity and unprejudiced treatment. The Office is primarily responsible for overseeing equal opportunity and affirmative action programs as they relate to employment practices of the Manoa campus.

- o Establishing and/or monitoring methods of administration that promote equity in employment practices such as recruitment, hiring, promotion, tenure, compensation, employee training, benefits, leave policies, transfers, and layoffs.
- o Developing, updating, publicizing, and reaffirming the University's EEO/AA policies and procedures; advising supervisors and administrators of these policies and of changes in EEO laws and their implementation.
- o Providing educational workshops and informational materials to employees and students to prevent discrimination and promote affirmative action.
- o Developing and updating the institution's affirmative action plan. The plan includes annual goals and timetables and action oriented programs to achieve goals.
- o Assessing the institution's affirmative action efforts and advising the President of both progress and problem areas; performing annual workforce and utilization analyses, developing internal audit procedures, conducting studies of personnel actions and compensation, and assessing managers' affirmative action efforts and results.
- o Serving as an accessible campus level resource for addressing discriminatory practices by developing and implementing complaint procedures that comply with the principles of due process, publicizing the availability of these procedures, resolving informal complaints, and investigating formal charges.
- o Performing community outreach and participating in projects with community and state agencies to inform the public about the University's EEO/AA program and encourage a more diverse pool of applicants.

The Office of EEO/AA performs systemwide duties which typically involve coordination among the campuses. Based on past experience, it is estimated that 20% of the Office's activities would involve systemwide duties.

- o Developing and disseminating systemwide EEO/AA policies and procedures.
- o Preparing the affirmative action plan reports for Systems Offices workforce.
- o Providing technical assistance to other campuses and sharing EEO/AA resources acquired by the Manoa campus office.
- o Investigating discrimination complaints referred from the campuses to the President's Office.
- o Serving as systemwide liaison to state and federal agencies with regard to joint education programs, federal liaison group activities, and state commission representation. Coordinating the University's response to class action EEO/AA complaints involving the system.
- o Coordinating with the Management Systems Office and Personnel Management Office on the development and production of systemwide federal reports.

2) Nature of the proposed reorganization.

- a) Reassignment. The current position and functions of Director of EEO/AA are reassigned from the Office of the President to a separate Office of EEO/AA.
- b) Additions. Three new positions are added to support the EEO/AA Office function, based on the 1991-93 Appropriation of Program Change Request. These positions are noted in b. above. The EEO/AA function has been updated and expanded to reflect the new activities of the office.
- c) Position variance. None required.
- d) Impact on organization. The reorganization recognizes that the EEO/AA program is a distinct program that reports to the Office of the President. The additional staffing and resources will have a positive qualitative and quantitative impact on the University's affirmative action program.

New activities. With new funds appropriated for EEO/AA training, the Manoa campus will be able to bring in 4-5 guest speakers and consultants each year and to cosponsor training with other campuses and community agencies. The addition of a UH Personnel Officer will provide staff support for department level training on topics such as hiring procedures and sexual harassment. Funds for printing educational brochures and posters will allow for wider dissemination of information to students and employees and will help publicize the services of the EEO/AA Office. New posters and brochures on sexual harassment have already been produced for Fall 1991.

With more staff resources dedicated to planning and program activities, the EEO/AA Office will be better able to work with campus groups involved in the President's Commission on the Status of Women, Barriers to Equity Advisory Committee, and the proposed Commission on Diversity. These groups will request data and reports and may develop new projects with staff assistance from EEO/AA Office. Past examples include forming a UHM Clerical Association, Rape Awareness Week, and Women's History Month.

The addition of a UH Personnel Officer will also allow the program to implement new monitoring and internal audit procedures. These include pre-hire reviews of faculty hires in departments that are underrepresented for women or minorities and annual evaluations of administrators' affirmative action efforts and results.

The UH Computer Specialist will provide new research support by conducting studies and preparing special reports, in addition to the federally mandated reports. This will improve UHM's ability to audit its recruitment, hiring, promotion, and tenure practices. The position will also allow the Office of EEO/AA to monitor salary equity on an ongoing basis using the system currently being developed by the Manoa Pay Equity Project.

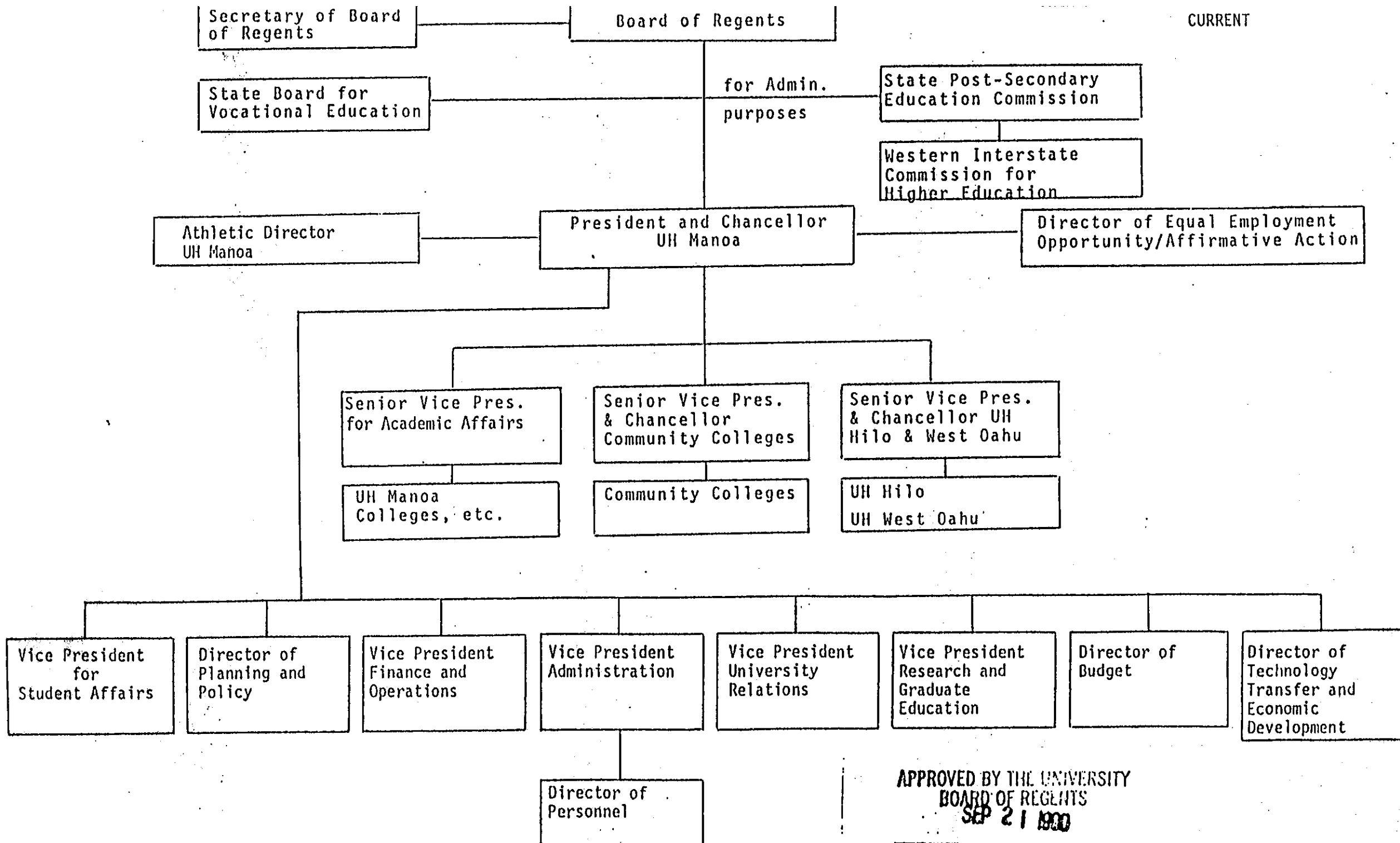
- e) Impact on existing positions. No reclassification or redescription is required.
- f) Office space. The Director of EEO/AA will be moving to the Law School. The proposed space is inadequate to house new staff and other options are

e. Other Alternatives Considered

Another alternative is to add the new positions to the organizational chart of the Office of the President. While this may be more expedient, the proposed creation of the Office of EEO/AA better reflects the mission of an independent EEO/AA program.

Some members of the campus community have proposed other organizational solutions, such as placing the office under Personnel or with an external agency, such as the Governor's Office. These alternatives were also considered but rejected because they do not meet federal requirements that the EEO/AA program be established by and report to the chief executive officer of the institution.

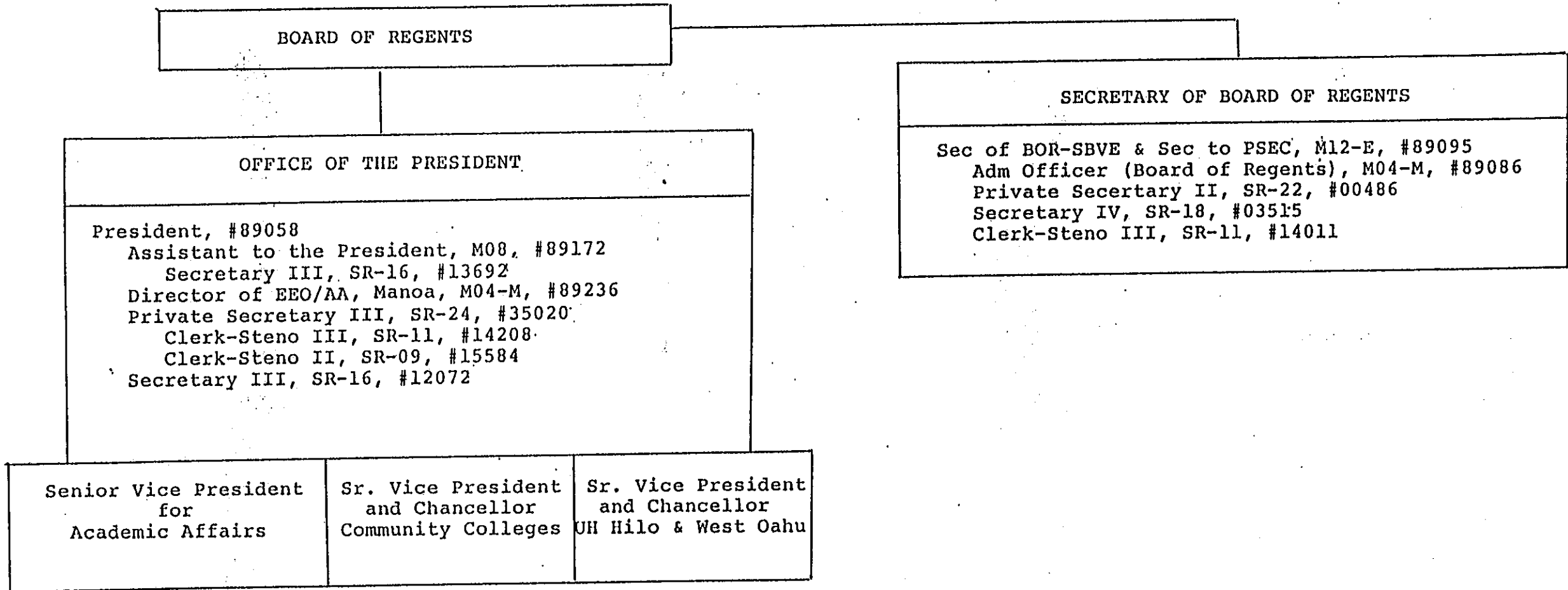
CURRENT ORGANIZATION



APPROVED BY THE UNIVERSITY
BOARD OF REGENTS
SEP 21 1990

Date

UNIVERSITY OF HAWAII
STATEWIDE ADMINISTRATION
POSITION ORGANIZATION CHART
Chart A
Current



NOTE: Assistant to the President for Technology Transfer and Economic Development, M07-M, #89253 has been deleted from this organizational chart.

STATE OF HAWAII
UNIVERSITY OF HAWAII
ADMINISTRATION
OFFICE OF THE PRESIDENT
(Chart A)

INTRODUCTION

The Office of the President of the University of Hawaii is the central administrative and coordinating center for all programs of the University authorized by the Constitution of the State of Hawaii, Hawaii Revised Statutes and the policies and regulations established by the Board of Regents. The team approach is the major concept of administrative function.

FUNCTIONS

President

As the Chief Executive officer of the University of Hawaii and Chancellor of the Manoa Campus, the President is responsible for and performs the following duties:

- ♦ Directs the development of plans and programs and recommends policies designed to advance the instructional, research, and service goals of the University of Hawaii and its campuses and colleges.
- ♦ Maintains effective working relationships between the University and the Governor, Legislature, other government officials, the general public, and among the students, faculty, and administration of the various campuses.
- ♦ Recommends plans and policies for the Statewide vocational education programs in public institutions and for post-secondary education programs; and oversees the implementation of the plans and policies adopted to ensure a continuing high caliber of performance in academic, administrative, and related activities.
- ♦ Delegates the day-to-day Statewide staff work and coordination of University and University-related functions to the appropriate Senior Vice President and Chancellor, Senior Vice President, or Vice President and may designate any of them additional functions.
- ♦ Delegates the administration and operation of each respective campus to the Senior Vice President and Chancellor of the University of Hawaii at Hilo and West Oahu, and the Senior Vice President and Chancellor for the Community Colleges.

Senior Vice President for Academic Affairs

The Senior Vice President for Academic Affairs provides academic leadership and coordination of all academic programs and instructional programs and activities. This position serves as Acting President in the absence of the President.

Senior Vice President and Chancellor for Community Colleges

The Senior Vice President and Chancellor for Community Colleges plans, directs, and coordinates the programming and operations of the Community Colleges within the University of Hawaii System, and the Employment Training Office.

Senior Vice President and Chancellor, University of Hawaii at Hilo and West Oahu

The Senior Vice President and Chancellor for the University of Hawaii at Hilo and West Oahu provides leadership, direction, and coordination for the students, faculty, and staff of the Hilo and West Oahu campuses in their programmatic activities.

Assistant to the President

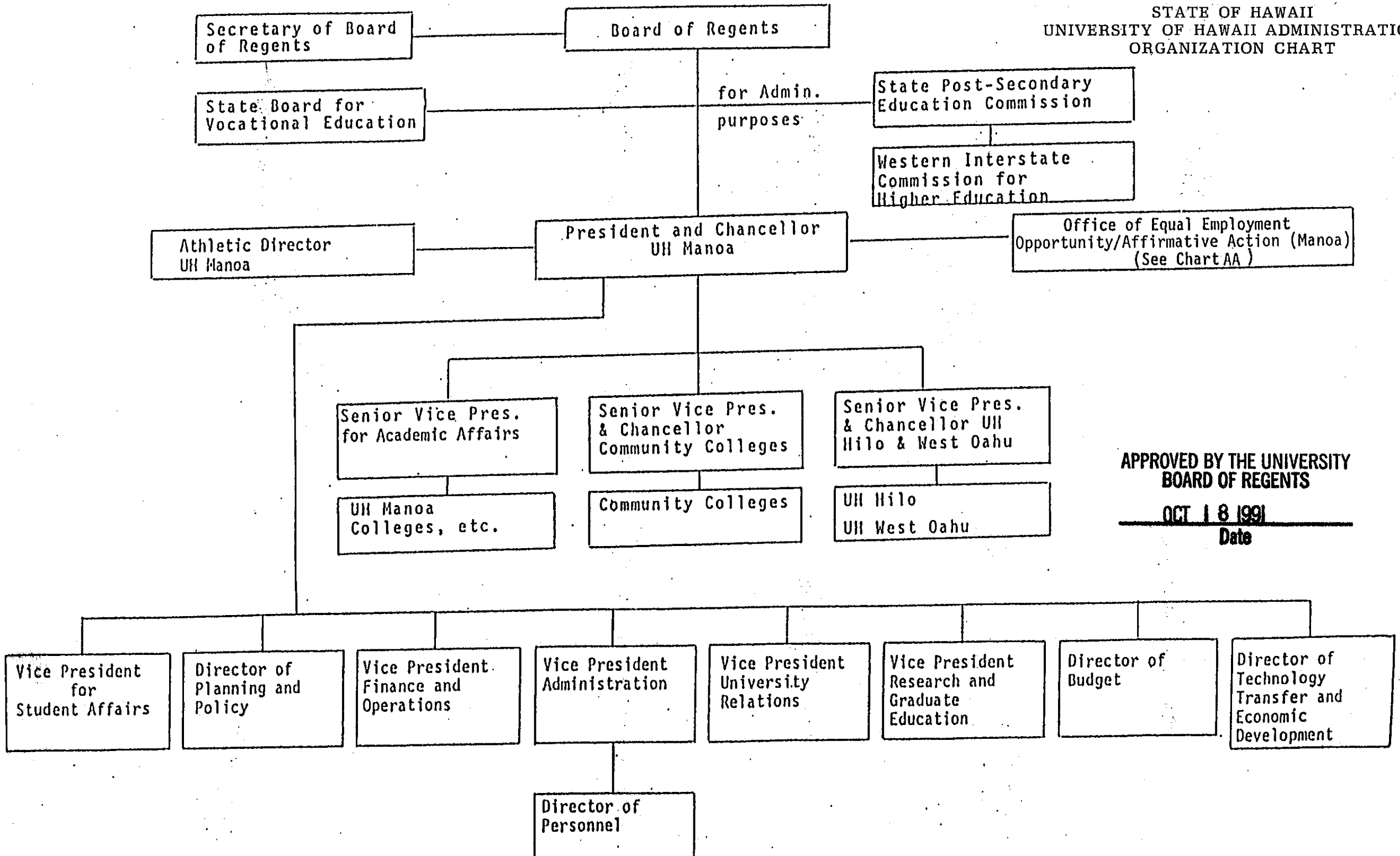
The Assistant to the President serves as the major liaison between the President and all of his constituencies, both within and outside of the University. This position undertakes various special projects of Universitywide significance.

Director of Equal Employment Opportunity/Affirmative Action, UH at Manoa

This position creates a climate in which students, staff, and faculty can expect open access, equal opportunity, unprejudiced treatment, and open dialogue for all. This position alerts all academic and administrative unit heads and directors about expectations regarding employment, promotion, and performance evaluation; resolves controversies and disagreements which involve EEO issues; and advises the President about the health and status of EEO at the University of Hawaii.

PROPOSED REORGANIZATION

STATE OF HAWAII
UNIVERSITY OF HAWAII ADMINISTRATION
ORGANIZATION CHART

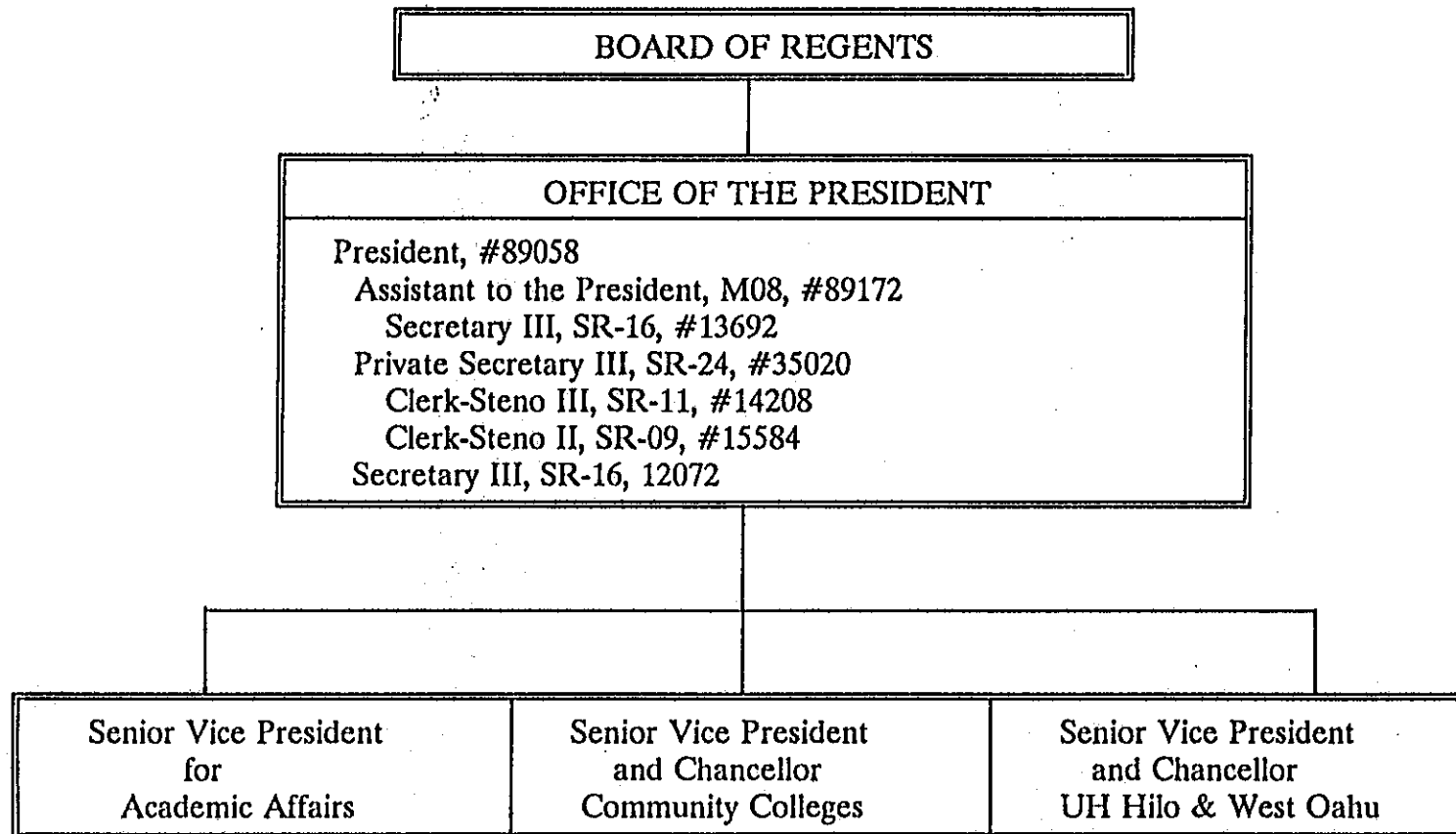


APPROVED BY THE UNIVERSITY
BOARD OF REGENTS

OCT 18 1991
Date

STATE OF HAWAII
UNIVERSITY OF HAWAII
STATEWIDE ADMINISTRATION
POSITION ORGANIZATION CHART
Chart A

Proposed

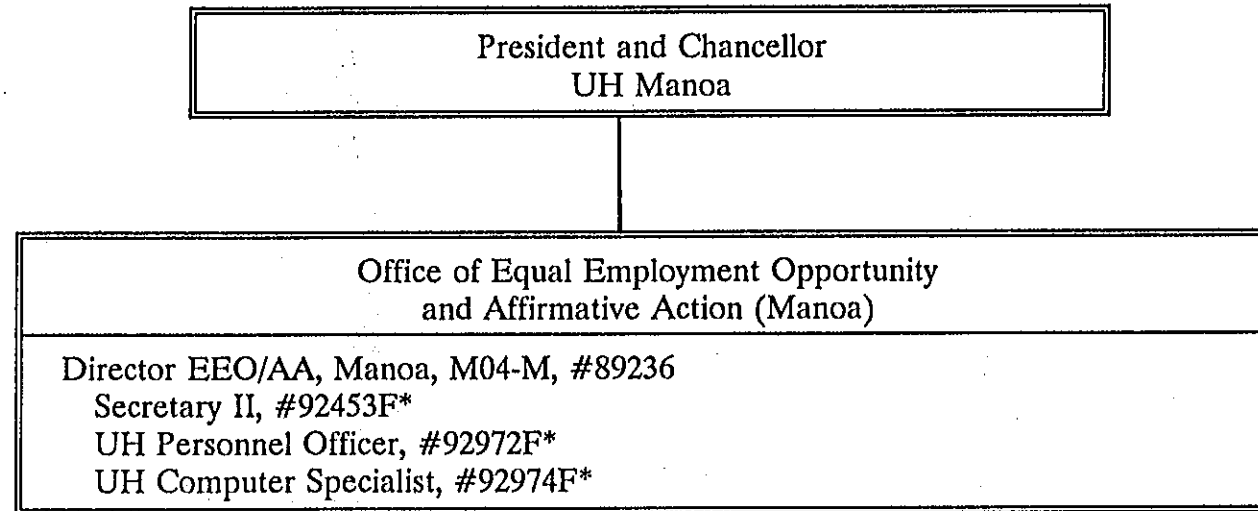


PURSUANT TO BOARD OF REGENTS' ACTION

DATE OCT 18 1991

STATE OF HAWAII
UNIVERSITY OF HAWAII
OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION (MANOA)
POSITION ORGANIZATION CHART
Chart AA

Proposed



**APPROVED BY THE UNIVERSITY
BOARD OF REGENTS**

OCT 18 1991

Date

* To be established and classified.

STATE OF HAWAII
UNIVERSITY OF HAWAII
ADMINISTRATION
OFFICE OF THE PRESIDENT
(Chart A)

INTRODUCTION

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- ♦ Maintains effective working relationships between the University and the Governor, Legislature, other government officials, the general public, and among the students, faculty, and administration of the various campuses.
- ♦ Recommends plans and policies for the Statewide vocational education programs in public institutions and for post-secondary education programs; and oversees the implementation of the plans and policies adopted to ensure a continuing high caliber of performance in academic, administrative, and related activities.
- ♦ Delegates the day-to-day Statewide staff work and coordination of University and University-related functions to the appropriate Senior Vice President and Chancellor, Senior Vice President, or Vice President and may designate any of them additional functions.
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Senior Vice President for Academic Affairs

The Senior Vice President for Academic Affairs provides academic leadership and coordination of all academic programs and instructional programs and activities. This position serves as Acting President in the absence of the President.

PROPOSED

- o Investigating discrimination complaints referred from the campuses to the President's Office.
- o Serving as systemwide liaison to state and federal agencies with regard to joint education programs, federal liaison group activities, and state commission representation. Coordinating the University's response to class action EEO/AA complaints involving the system.
- o Coordinating with the Management Systems Office and Personnel Management Office on the development and production of systemwide federal reports.