

**The University of Louisville
2009
Affirmative Action Plan**

AFFIRMATIVE ACTION PLAN METHODOLOGY

This Affirmative Action Plan has been prepared to document The University of Louisville's Affirmative Action and Equal Employment Opportunity Efforts. The plan follows the methodology described in 41 CFR Part 60- Affirmative Action Programs. Citations to the applicable sections of 41 CFR Part 60 may be found in the upper left-hand corner of the first page of each section.

Disclaimer

It should be noted that terminology used in 41 CFR Part 60- Affirmative Action Programs has been used throughout this document. None of the terminology used (for example underutilization, adverse impact, goals, timetables, and so forth) should be interpreted as an admission by the university, in whole or in part, that either minorities or women have been or are presently being discriminated against.

**THE UNIVERSITY OF LOUISVILLE'S COMMITMENT TO AFFIRMATIVE ACTION AND
EQUAL EMPLOYMENT OPPORTUNITY**

The university supports the principals of Affirmative Action and Equal Employment Opportunity. The university accepts overall responsibility for the university's Affirmative Action and Equal Employment Opportunity efforts.

Equal Employment Opportunity

The university is committed to the principals of Equal Employment Opportunity. The university has directed employees to not discriminate against any employee, or applicant based on race, color, religion, sex, sexual orientation, or national origin. Specifically, hiring units have been instructed to:

1. Recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, sex or national origin, except where sex is a bona fide occupational qualification;
2. Base decisions on employment so as to further the principal of equal employment opportunity;
3. Assure that promotion decisions are in accord with principals of equal employment opportunity by imposing only valid requirements for promotional opportunities; and,
4. Assure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, university-sponsored training, education, tuition assistance, social and recreational programs are administered without regard to race, color, religion, sex, sexual orientation or national origin.

The university has assigned overall responsibility for the affirmative action/equal opportunity program to the university's Affirmative Action Director. The university's Affirmative Action Director has been instructed to disseminate information about the university's commitment to Affirmative Action and Equal Employment Opportunity in addition to developing reporting and monitoring procedures to ensure that the instructions above are followed. The University of Louisville's Affirmative Action policy will be reaffirmed and reissued annually.

DISSEMINATION OF THE POLICY

The university employs various means to disseminate its policy regarding equal employment opportunity and affirmative action.

Internal Dissemination:

1. Equal Employment Opportunity posters are hung on “official” bulletin boards throughout the university community;
2. Special meetings and training sessions are conducted by the university’s Affirmative Action Director with managers and staff to highlight the university’s commitment to EEO/AA;
3. During New Employee Orientation, new employees receive instruction on the university’s EEO/AA commitment;
4. The university’s personnel policies concerning Equal Employment Opportunity and Affirmative Action are shared with administrators, managers, supervisors, and are readily available for review;
5. University newsletters, annual reports, and other publications periodically reiterate the university’s commitment;
6. Periodically, articles and memoranda are shared with the university’s work forces to inform them of university goals and progress with respect to EEO/AA or of success stories concerning female or minority employees; and,
7. When pictures of employees are included in informational or marketing materials, pictures of women and minorities are included.

External Dissemination

1. Recruitment sources and vendors are told verbally and in writing of the university’s commitment to Equal Employment Opportunity and Affirmative Action and that these sources and vendors should actively recruit and refer women and minorities for university’s vacancies’
2. The Equal Opportunity clause is included in all purchase orders, leases, and contracts covered by Executive Order 11246, as amended;
3. The university communicates to prospective employees in advertisement that it is an Affirmative Action/Equal Employment Opportunity Employer.
4. The Equal Opportunity clause is included in all employment advertisements.

41 CFR Part 60-2.17 (a)

RESPONSIBILITY FOR IMPLEMENTATION

The university has delegated responsibility for preparing and implementing the university's Affirmative Action Plan to the Affirmative Action Director. In fulfilling his responsibility, the Affirmative Action Director shall:

1. Work with units including the university's Employment Services Unit to develop recruitment and retention plans to attract and retain qualified women and minorities to underutilized job groups;
2. Assist university administrators, and managers in identifying problem areas and developing solutions;
3. Implement internal audit and reporting systems that will measure the effectiveness of the University of Louisville's Affirmative Action Program;
4. Serve as liaison between the university and community groups with issues concerning Equal Employment Opportunity and Affirmative Action;
5. Work with university administrators and supervisors to provide career counseling for all employees;
6. Conduct periodic audits or training, recruitment, promotion, and termination practices in order to remove unnecessary impediments to the attainment of goals and objectives;
7. Serve as liaison between the university and minority/women's organizations concerned with the training and employment of minorities and women; and,
8. Inform university administrators and managers of developments in the areas of Equal Employment Opportunity and Affirmative Action.

It is responsibility of all management personnel to ensure equal opportunity to all University programs and services. Specifically, management personnel shall:

1. Assist in the identification of problem areas related to EEO and Affirmative Action;
2. Be involved with local minority organizations, women's organizations, community action groups, and community service programs;
3. Take actions to prevent gender, racial or ethnic harassment;
4. Review qualifications of positions and access to training programs to assure that minorities and women are given full opportunity for training and upgrading; and,
5. Use multiple communication avenues to insure that all EEO/AA policies are understood and followed by university employees.

41 CFR Part 60-2.17 (c)

ESTABLISHED A MONITORING SYSTEM

The University's Affirmative Action is intended to be an effective management tool for an organization that is committed to affirmative action results. The program is based upon clearly articulated assumptions about the workforce, provides specific numerical objectives, and calls for regular evaluation. The Director of Affirmative Action is primarily responsible for this evaluation. As the Steering Committee on Long Range Planning and Priorities noted:

"...in addition to its monitoring functions, the Affirmative Action/Employee Relations Office will be responsible for collecting appropriate data, preparing all necessary reports, and keeping the President fully informed of our progress in implementing the Affirmative Action Plan."

To meet its responsibility, the Affirmative Action/Employee Relations Office monitors the following employment transactions.

- Applicant flow (including date of application, name, race, sex, referral source, and job applied for);
- Interview date, disposition, and reasons for disposition;
- Referrals, hires, placements, offer rejections (name, race, sex,); and,
- Transfers, promotions, terminations, and layoffs.

Since employment procedures for faculty and administrators differ significantly from those affecting classified and professional staff, the university maintains two separate monitoring systems.

Overview of Procedure for Monitoring Applicant Flow, Hires, Placements, and Offer Rejections for Faculty or Administrators

When a department or unit wishes to hire a faculty member or an administrator, the unit creates a job opening through the PeopleSoft Recruiting Solutions Applicant Tracking System. The system assigns a Job ID number which, via workflow, posts on the Recruiting Solutions work list in the affirmative action office. The AA/ER Office reviews the ad copy in Recruiting Solutions and monitors the makeup of the Search Committee to ensure there is ethnic representation. After the affirmative action office approves the job opening, candidates may apply on-line and attach the requested documents. The department then schedules interviews and updates the candidates' status in the system. Once the preferred candidate is selected, the department inputs an offer and the reason for selection to Recruiting Solutions for the affirmative action office to approve. Once approval has been granted, the status in the system changes to Extend. The offer is contingent upon a state and national background investigation (if applicable) satisfactory to the University. Upon acceptance of the offer, the department changes the status to Accept.

Overview of Procedure for Monitoring Applicant Flow, Hires, Placements and Offer Rejections For Staff

When a department or unit wishes to hire a staff member, the unit creates a requisition through the PeopleSoft Recruiting Solutions Applicant Tracking System. Notification of the requisition is sent to the worklist of the employment representative assigned to the department for review and approval. The employment representative notifies the department of any corrections or additional information if needed, requests the members on the search committee (to include ethnic and gender representation) if the position is underutilized and approves the ad for posting. After the interviews are completed and once a candidate has been selected, the department or unit indicates in PeopleSoft the results of the interview evaluation(s), the reason(s) for selection of the preferred candidate and the reason(s) for non-selection of each applicant. Upon completion, a notification is sent to the worklist of the appropriate employment/compensation representative. The representative reviews the reasons for selection and non-selection, and again checks for underutilization. If the position is underutilized or experiencing adverse impact, the employment representative advises the department that every effort needs to be made to strongly consider hiring from the underutilized female or minority candidates in the applicant pool. When approved, the representative grants authorization to the hiring department to extend a contingent offer of employment. The offer is contingent upon a state and national background investigation (if applicable) satisfactory to the University.

When advertising or recruiting externally, staff positions are advertised in the *Louisville Defender* and the *Courier Journal*. Employment Representatives also attend job fairs, such as the Minority Career Fair, university-wide Career Fair, Urban League, TARC, and Louisville and Jefferson County Community Action Agency Career Fair.

41 CFR Part 60-2.17 (b)

IDENTIFICATION OF AREAS NEEDING IMPROVEMENT

Appendix A includes a chart that shows the job groups identified by the Utilization Analysis section as being underutilized by women and /or minorities.

41 CFR Part 60-2.16
41CFR Part 60-2.17

AFFIRMATIVE ACTION GOALS AND ACTION-ORIENTED STEPS TO ATTAIN THEM

The University of Louisville's Affirmative Action Goals for calendar year 2009 are in Appendix A. The university shall implement the following remedial measures in order to improve representation of women and/or minorities in its work force:

1. Examine and eliminate hiring practices that adversely impact women and minorities;
2. Train all personnel involved in the university selection process on requirements of the Uniform Guidelines on Employee Selection as well as impermissible practices that may adversely impact women and/or minorities;
3. Reaffirm the University of Louisville's commitment to Equal Opportunity and Affirmative Action in newspaper advertisements, brochures, vendor contracts, and other media;
4. Identify and eliminate job requirements that are unnecessary and that may disproportionately screen out women and minorities;
5. Encourage minority and female employees to recommend candidates for vacant positions in underutilized job groups;
6. Instruct supervisors on the use of identifying and utilizing valid job-related requirements when making decisions impacting selection or training employees for opportunities within the university;
7. Initiate outreach measures, including sending vacancy notices to organizations that may have membership who can address the underutilization;
8. Assure the presence on selection committees members from the class of persons who are underutilize in the job group;
9. Create mentoring, development, and counseling programs to assist existing university employees who may not currently be qualified for vacant positions in the underutilized job groups but who may become qualified with proper instruction, coaching, and experience; and,
10. Establish a system for regularly monitoring the effectiveness of this Affirmative Action program as well as for making timely adjustments where effectiveness is not demonstrated.

The remedial steps listed above will be tailored to solve the problems listed in the Utilization Analysis section of this plan and to ensure that employment systems operate fairly in the future while avoiding unnecessary restrictions on opportunities within the workforce as a whole. The race, sex, and national origin conscious provisions of the university's Affirmative Action Program will be maintained only so long as is necessary to achieve relative parity with the appropriate labor markets for the job groups at issue.

41CFR Part 60-2.17(d)

INTERNAL AUDITING AND REPORTING

The University of Louisville's Affirmative Action Director is responsible for coordinating the preparation of reports for The University of Louisville's Affirmative Action Program.

These reports include:

Annually

Affirmative Action Plan

Adverse impact analysis of university hiring, promotion, and termination practices

Quarterly

Progress on Affirmative Action Plan Goal Attainment

Adverse impact analysis of university hiring, promotion, and termination practices

41CFR Part 60-20

SEX DISCRIMINATION GUIDELINES

The University of Louisville's policy of nondiscrimination because of sex extends to all persons employed or seeking employment with the university. The following was implemented to enforce The University of Louisville's policy of nondiscrimination because of gender:

Recruitment and Advertisement

Applicants of both sexes are recruited for all jobs. Job advertisements in the various media do not specify a preferred sex.

Job Policies and Practices

Written personnel policies expressly indicate that there shall be no discrimination against employees because of gender.

Wages, Hours, or Working Conditions

No distinction based upon sex is made with respect to wages, benefits, hours, or other conditions of employment.

Facilities

Appropriate physical facilities are available to both sexes. No applicant is refused employment on the basis that there are no restrooms or associated facilities available to this gender.

Childbearing

Women will not be penalized because they require time away from work because of childbearing.

Employees of both sexes who satisfy the guidelines of the Family and Medical Leave Act are granted time away from work with job protection and without penalty for the birth of their child.

Seniority System

No seniority system exists that considers, or is based upon the gender of employees.

Affirmative Action

The university affirmatively recruits women for positions that fall in job groups with underutilization of women.

Sexual Harassment

The university does not condone or tolerate sexual harassment. Employees are absolutely prohibited from engaging in any form of gender harassment. Furthermore, employees are instructed in what constitutes sexual harassment and how to report it.

41 CFR Part 60-50

POLICY ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

The university does not discriminate against employees or applicants for employment because of their religion or national origin. The university accommodates working conditions to the religious observations and practices of all employees unless doing so interferes with the purpose of the university.

41 CFR Part 60-1.11

UNIVERSITY SPONSORED ACTIVITY

The university has directed its employees that no activity sponsored by the university shall take place in facilities of any organization that practices discrimination based on race, sex, sexual orientation, religion, or national origin.

41 CFR Part 60-1.8

SEGREGATED FACILITIES

The university does not segregate its waiting rooms, work areas, eating areas, restrooms, washrooms, locker rooms, dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, or housing on the basis of race, color, religion, sex or national origin. However, separate restrooms necessary for dressing or sleeping areas are provided to assure privacy between the sexes.

**AFFIRMATIVE ACTION FOR AND NONDISCRIMINATION OF PERSONS WITH
DISABILITIES**

The university does not discriminate against employees or applicants for employment because of physical or mental disabilities. The university takes affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of the organization. The University Affirmative Action Director has been assigned responsibility to establish and implement the university's Affirmative Action Program with respect to persons with disabilities. The Affirmative Action Director shall:

1. Post the university's "official" bulletin boards as well as in personnel policy manuals the university's policy statement on Affirmative Action and Equal Employment Opportunity with respect to persons with disabilities;
2. Ensure that persons with disabilities are aware of the university's Affirmative Action and Nondiscrimination Commitment and what to do if they experience harassment or discrimination;
3. Attempt to implement a policy which submits postings for vacant positions to various recruiting sources including Kentucky Employment Services Department of Vocational Rehabilitation, the Access Center and specifically request that persons with disabilities be forwarded for vacant positions;
4. Accommodate persons with disabilities unless the accommodation would pose an undue hardship on the organization;
5. Assist supervisors in coordinating with technical assistance agencies in order to determine appropriate accommodations for employees or applicants with disabilities;
6. Encourage involvement of persons with disabilities in career fairs or other recruiting opportunities;
7. Actively seek out applicants with known disabilities for available positions;
8. Inform all employees including managers and supervisors of the university's commitment to employ and advance in employment persons with disabilities during special meetings, new employee orientation, or by other communication strategies;
9. Instruct hiring personnel on appropriate and prohibited pre-employment inquiries regarding a person with disabilities' ability to perform essential job functions; and,
10. Keep confidential any information provided by the employee concerning the disability other than what is needed for accommodations, first aid or safety personnel, or for government employees charged with enforcing prohibitions or discrimination on the basis of covered disability.

**AFFIRMATIVE ACTION FOR AND NONDISCRIMINATION OF DISABLED VETERANS,
OTHER PROTECTED VETERANS, RECENTLY SEPARATED VETERANS, AND ARMED
FORCES SERVICE MEDAL VETERANS**

The university does not discriminate against employees or applicants for employment because they are disabled veterans, other protected veterans, recently separated veterans, or armed forces service medal veterans. The university takes affirmative action to employ or advance in employment qualified disabled veterans, other protected veterans, recently separated veterans, or armed forces service medal veterans at all levels of the organization. The Affirmative Action Director shall:

1. Post on the university's "official" bulletin boards as well as in personnel policy manuals the university's policy statement on Affirmative Action and Equal Employment Opportunity with respect to disabled veterans, other protected veterans, armed forces service medal veterans and recently separated veterans;
2. Ensure that disabled veterans, other protected veterans, armed forces service medal veterans, and recently separated veterans are aware of the university's Affirmative Action and Nondiscrimination Commitment and what to do if they experience harassment or discrimination;
3. Take positive steps to attract qualified disabled veterans, other protected veterans, armed forces service medal veterans and recently separated veterans not currently in the workforce. Those who have requisite skills will be encouraged to submit applications for vacant positions to various recruiting sources including Kentucky Employment Services Department, the Veterans Affairs Regional Office, or veteran support groups in the community and specifically requesting that disabled veterans, other protected veterans, armed forces service medal veterans, and recently separated veterans be forwarded with vacant positions;
4. Inform all employees including managers and supervisors of the university's commitment to employ and advance in employment disabled veterans, other protected veterans, armed forces service medal veterans, and recently separated veterans during special meetings, new employee orientation, or by other communication strategies;
5. Periodically survey university employees who are disabled veterans, other protected veterans, armed forces service medal veterans, or recently separated veterans in order to determine whether they have had the opportunity to participate in all university sponsored educational, training, recreational, and social activities;
6. Instruct hiring personnel on appropriate and prohibited pre-employment inquiries regarding disabled veterans, other protected veterans, armed forces service medal veterans, or recently separated veterans;
7. Keep confidential any information provided by the employee concerning their disability other than what is needed for accommodations, first aid or safety personnel, or for government employees charged with enforcing prohibitions of discrimination on the basis of disability status as a veteran, other protected veteran, armed forces service medal veteran or recently separated veteran;
8. Assure that the university's personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees who are known disabled veterans, other protected veterans, armed forces service medal veterans, or recently separated veterans for job vacancies filled either by hiring or promotion;
9. Assure that when a disabled veteran, other protected veteran, armed forces service medal veteran or recently separated veteran is considered for employment opportunities, the university relies only on that portion of the individual's military record, including his or her discharge papers, that is relevant to the requirements of the opportunity at issue;
10. Periodically review employment policies and practices and make any necessary modifications to enforce the university's Affirmative Action and Nondiscrimination policies and practices including review of all physical and mental job qualification standards to ensure the qualifications are job-related, consistent with business necessity, and don't disproportionately

screen out disabled veterans, other protected veterans, armed forces service medal veterans or recently separated veterans;

11. Assist supervisors in coordinating with technical assistance agencies in order to determine appropriate accommodations for disabled veterans;
12. Accommodate disabled veterans unless the accommodation would pose an undue hardship on the organization;
13. Confidentially inquire of disabled veterans having performance issues whether the issue is related to the known disability and what accommodation (if any) is needed; and,
14. Encourage disabled veterans, other protected veterans, armed forces service medal veterans, and recently separated veterans to participate in career day and other outreach.

41 CFR Part 60-2.12

41 CFR Part 60-2.13

JOB GROUP ANALYSIS

The following section sets forth the job groups that comprise The University of Louisville's work force. The complete Job Group Analysis Report is in Appendix B of this Affirmative Action Plan. These job groups are compared to the relevant labor market demographics in the Utilization Analysis section of this plan. 41 CFR Part 60-2.12 sets forth criteria for establishing job groups as follows:

In the job group analysis, jobs at the establishment with similar content, wage rates, and opportunities must be in combined to form job groups. Similarity of content refers to the duties and responsibilities of the job titles that make up the job group. Similarity of opportunities refers to training, transfers, promotions, pay, mobility, and other career enhancement opportunities offered by the jobs within the job group.

Further, 41 CFR Part 60-2.13 states:

The contractor must separately state the percentage of minorities and the percentage of women it employs in each group...

Below are the definitions of the University of Louisville's Job Group Categories within which its job groups fall. The first number of each job group in the report contained in this section indicates the job category to which it belongs.

Executive, Administrative and Managerial

These assignments require primary (and major) responsibility for management of the institution, or a customarily recognized department or subdivision thereof. Assignments require the performance of work directly related to management policies or general business operations of the institution department or subdivision thereof. Assignments require the performance of work directly related to management policies or general business operations of the institution department or subdivision, etc. Assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgment, and to direct the work of others. Reported in this category are all officers holding such titles as President, Vice President, Dean, Director, or the equivalent, as well as officers subordinates to any of these administrators with such titles as Associate Dean, Assistant Dean, Executive Officer of academic departments (department heads or the equivalent) if their principal activity is administrative.

Faculty

These assignments are made for the purpose of conduction instruction, research, or public service as a principal activity (or activities), and who hold academic rank titles of professor, associate professor, assistant professor, instructor, lecturer or the equivalent of any of those academic ranks.

Professional Nonfaculty

These assignments... require either college graduation or experience of such kind and amount as to provide a comparable background. Included would be all staff members with assignments requiring specialized professional training who should not be reported under Activity 1 (Executive), and who should not be classified under any of the four "nonprofessional" categories or activities.

Clerical and Secretarial

Includes all persons whose assignments typically are associated with clerical activities or who are specifically of a secretarial nature. Includes personnel who are responsible for internal and external communications, recording, and retrieval of data (other than computer programmers), and/or information and other paperwork required in an office such as bookkeepers, stenographers, clerk typist, office-machine

operators, statistical clerks, payroll clerks, etc. This assignment also includes sales clerks, such as those employed full-time in bookstore, and library clerks not recognized as librarians.

Technical or Paraprofessional

Includes all persons whose assignments require specialized knowledge or skills, which may be acquired through experience or academic work, such as, is offered in many two-year technical institutes, junior colleges, or through equivalent on-the-job training. Includes computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed practical or vocational nurses, dietitians, photographers, radio operators, scientific assistants, technical illustrators, technicians, and similar occupational activity categories, but which are institutionally defined as technical assignments. Includes persons who perform some of the duties of a professional or technician in a supportive role, which usually requires professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept.

Skilled Crafts

This assignment typically requires special manual skills and thorough and comprehensive knowledge of the process involved in the work, acquired through on-the-job training programs. This assignment also includes mechanic and repairers, electricians, stationary engineers, skilled machinists, composers and typesetters.

Service Maintenance

Includes persons whose assignments require limited degrees of previously acquired skills and knowledge in which workers perform duties which result in, or contribute to, the comfort, convenience and hygiene of personnel and the student body; or which contribute to the upkeep and care of the buildings, facilities, or the grounds of the institutional property. Includes chauffeurs, laundry and dry-cleaning operators, cafeteria and restaurant workers, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, construction labors, and security personnel.

41 CR Part 60-2.11

ORGANIZATIONAL PROFILE

41 CFR Part 60-2.11 sets forth criteria for presenting the organizational profile:

An organizational profile is a depiction of the staffing pattern within an establishment. It is one method contractors use to determine whether barriers to equal employment opportunity exist in their organizations. The profile provides an overview of the workforce at the establishment that may assist in identifying organization units where women or minorities are underrepresented or concentrated. The contractor must use either the organizational display or the workforce analysis at its organizational profile...(1) A workforce analysis is a listing of each job title as appears in applicable collective bargaining agreements or payroll records ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision.

The university's Organizational Profile is found in Appendix C of this affirmative action plan.

41 CFR Part 60-2.14

AVAILABILITY ANALYSIS

41 CFR Part 60-2.14 sets forth the criteria for determining the availability of women and minorities.

In determining availability, the contractor must consider at least the following factors:

1. The percentage of minorities and women with requisite skills in the reasonable recruitment area. The reasonable recruitment area is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the positions in question.

2. The percentage of minorities and women among these promotable, transferable, and trainable within the contractor's organization. Trainable refers to those employees within the contractor's organization who could, with appropriate training which the contractor is reasonably able to provide, become promotable or transferable during the AAP year.

The university's Availability Analysis is found in Appendix D of this Affirmative Action Plan.

41 CFR Part 60-2.15

UTILIZATION ANALYSIS

41 CFR Part 60-2.15 sets forth the criteria for determining the availability of minorities and women. The utilization analysis compares the percent of females and minorities available in the labor force with the percent observed (by job group) in the Organizational profile to determine if a disparity exists and goal is warranted. The test used was:

The Two Standard Deviation Test:

The Two Standard Deviation Test is based on the observation that some degree of departure from exact parity would occur even if the employer paid no attention at all to race or gender in placing people in jobs. Under this test, the percentage of minorities or women is declared to be less than would be reasonably expected when the number of females or minorities in the job group is two standard deviations or more below the expected number.

The Exact Binomial Test was used for small groups. This test involves the calculation of a probability denoted P and the comparison of that probability to 0.05. If P is less than or equal to 0.05, the percentage of minorities or women is less than would be reasonably expected.

The university's utilization analysis may be found in Appendix E of this Affirmative Action Plan.

41 CFR Part 60-3

ADVERSE IMPACT

A selection rate for any race, sex or ethnic group which is less than four-fifths of the rate for the group with the highest rate will generally be regarded by the federal enforcement agencies as evidence of adverse impact. However, because of the size of some large applicant pools in the analysis, the Standard Deviation (rather than Four-Fifths) Test has been used. For the smaller applicant pools, Fischer's Exact (Hypergeometric) Test has been used. Although neither test is specifically mentioned in the Uniform Guidelines, the use of each to determine statistical significance is appropriate when further analysis of the Four-Fifths Test is warranted.

Standard Deviation Test

The Standard Deviation Test takes into account that, if an employer paid no attention to race or sex when making selections, there would be some natural degree of departure from perfect parity, both above and below, based on the rules of probability, and that only extreme departures away from parity should be construed as possible evidence of adverse impact. The Standard Deviation Test is only used with applicant pools greater than 30 people and the expected number of female and minority selections is greater than 5.

GLOSSARY OF TERMS

ADVERSE IMPACT - A selection process that results in a substantially higher percentage of protected group members being rejected for hiring, promotion, or other employment decisions than the percentage of non-protected persons rejected.

AFFIRMATIVE ACTION – Result oriented policies, programs and procedures designed to prevent discrimination and to promote employment opportunities for minorities, women, the disabled, and veterans.

AVAILABILITY – Availability is an estimate of the number of qualified minorities or women available for employment in a given job group, expressed as a percentage of all qualified persons available for employment in the job group. The purpose of the availability determination is to establish a benchmark against which the demographic composition of the contractor's incumbent workforce can be compared in order to determine whether barriers to equal employment opportunity may exist within particular job groups.

AVAILABILITY ANALYSIS – The process that estimates how many minorities and females are available for employment. The percentages this analysis produces are the benchmarks against which the employer's utilization of minorities and females is measured.

COMPONENT – A particular job title or census occupation based on the number of employees you expect to select from that component during the next year.

COMPONENT WEIGHT – A number that you can assign to a component based on the number of employees you expect to select from that component during the next year.

FACTOR – Either of two possible pools from which the university might reasonably be expected to draw employees for a job group. Factor 1 is the percentage of minorities or women with requisite skills in the reasonable recruitment area. The reasonable recruitment area is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the position in question. Factor 2 is the percentage of minorities or women among these promotable, transferable, and trainable within the contractor's organization. Trainable refers to those employees within the contractor's organization who could, with appropriate training which the contractor is reasonably able to provide, become promotable or transferable during the AAP year.

4/5THS ANALYSIS – A statistical method to determine if adverse impact (see Adverse Impact) may have occurred in selection of employees. Specifically, a selection rate for any racial ethnic or sex group which is less than four-fifths (80%) of the rate for the group with the highest rate. If so, discrimination is presumed and the burden shifts to the university to modify or eliminate the procedure, which causes the adverse impact, or to justify the differential selection rate based on reasons of business necessity.

GOALS – An objective established to achieve a reasonable representation of underutilized sex or racial/ethnic minority in the workforce based on availability in the labor market.

IMMEDIATE LABOR AREA – The geographical area from which employees reasonably may commute to the contractor's establishment. It may include one or more contiguous cities, counties, Metropolitan Statistical Area (MSAs) or parts thereof.

JOB GROUP – One or more jobs having similar content, wage rates, and opportunities

LABOR AREA – Geographic area used in calculating availability. The area may vary from local to nationwide. Compare with “Immediate Labor Area.”

MINORITIES – All persons classified as Black, Hispanic, Asian, Pacific Islander, and American Indian or Alaskan native.

PERSON WITH A DISABILITY – Any person who has a physical or mental impairment that is substantially limits one or more of such person’s major life activities; or who has a record of such impairment; or who is regarded as having such impairment.

RACE/ETHNIC CATEGORY – The five-race/ethnic categories are defined as follows:

Native American/Alaskan – A person having origins in any of the original peoples of North America, and who maintains cultural identifications through tribal affiliation or community recognition.

Asian or Pacific Islander – A person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Republic and Samoa; and, on the Indian Subcontinent, includes India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim and Bhutan.

African-American (Black) – An individual, not of Hispanic origin, with origins in any of the Black racial groups of Africa.

Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish Culture Origin, regardless of race. This does not include persons of Portuguese descent or persons from Central or South America who are not of Spanish origin or culture.

Caucasian (White) – A person having origins in any of the original peoples of Europe, North Africa or the Middle East.

RECRUITING AREA – (AKA Labor Area) The geographic area from which the university draws its workforce.

SPECIAL DISABLED VETERAN – 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 and who is rated at 30 percent or more; or rated at 10 to 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious handicap; or a person who was discharged or released from active duty because of a service-connected disability.

UNDERUTILIZATION – Having fewer racial/ethnic, minorities or women in a particular job category than would be reasonably expected based on availability in the labor market.

UTILIZATION ANALYSIS – The comparison of availability to workforce composition of minorities and females for each job group. The comparison can be made using a variety of rules, such as the 80% Rule, the Any Difference Rule, and the 2 and 3 Standard Deviation Rule. The result indicates instances of underutilization of minorities and females within a job group.

VETERAN OF THE VIETNAM ERA – A person who 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 there-from with other than a dishonorable discharge; or 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.

Appendix A
The University of Louisville's 2008 Goals

Appendix B

Job Group Analysis for the University of Louisville

Appendix C
The University of Louisville's Organizational Profile

Appendix D

The University of Louisville's Availability Analysis

Appendix E

Utilization Analysis for the University of Louisville

Appendix F
Adverse Impact Analysis for the University of Louisville