



**AFFIRMATIVE ACTION PLAN (AAP) 2020
EXECUTIVE ORDER 11246**

**Texas A&M University - Corpus Christi
EIN: 74-1760663**

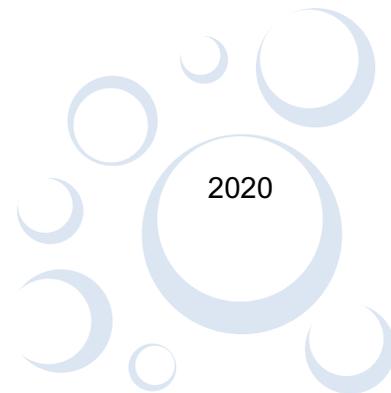
**AAP FOR MINORITIES AND WOMEN
VOLUME I**

O/S

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INTRODUCTION

Background:

Texas A&M University - Corpus Christi is a federal government supply and service contractor subject to the affirmative action requirements of Executive Order 11246, the Rehabilitation Act of 1973 as amended, and the Vietnam Veterans' Readjustment Assistance Act of 1974, Section 4212. Because Texas A&M University - Corpus Christi has \$50,000 or more in annual contracts with the federal government and employs 50 or more employees, we are required to prepare annual written Affirmative Action Plans (AAP's) for minorities and women, for protected veterans, and for individuals with disabilities for our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Department of Labor (DOL) Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the University from future contracts and subcontracts.

Affirmative action is a term that encompasses any measure adopted by an employer to correct or to compensate for past or present discrimination or to prevent discrimination from occurring in the future. Affirmative action goes beyond the simple termination of a discriminatory practice.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory affirmative action plan is the evaluation of opportunities for protected group members, as well as an identification and analysis of problem areas inherent in their employment. Also, where a statistical analysis reveals a numeric disparity between incumbency and availability, an adequate AAP details specific affirmative action steps to guarantee equal employment opportunity. These steps are keyed to the problems and needs of protected group members. For minorities and women, such steps include the development of hiring and promotion goals to rectify the disparity between incumbency and availability. For protected veterans and individuals with disabilities, such steps will include a thorough review of the Texas A&M University – Corpus Christi's outreach efforts to determine the effectiveness of such efforts in closing the utilization gaps.

Applicable Affirmative Action Laws and Regulations:

Texas A&M University - Corpus Christi's AAP for minorities and women (Part I) has been prepared according to Executive Order No. 11246, as amended, and Title 41, Code of Federal Regulations, Part 60-1 (Equal Employment Opportunity Duties of Government Contractors), Part 60-2 (Affirmative Action Programs of Government Non-Construction Contractors; also known as "Revised Order No. 4"), and Part 60-20 (Sex Discrimination Guidelines for Government Contractors).

The Affirmative Action Plan is based on the TAMUCC workforce as of December 31, 2019. The affirmative action plan includes certain elements that require annual updates to incorporate current data.

The first is the *workforce analysis*, a tabulation of Texas A&M University-Corpus Christi's workforce by race and sex within job group (similar types of work) categories and organizational (department) units.

The second is the *utilization analysis*, which compares Texas A&M University-Corpus Christi's workforce (by job group) with general workforce availability (by job group) data to determine whether women and minorities are underutilized within job group categories at Texas A&M University-Corpus Christi. When underutilization of women or minorities is identified (using the 80% rule), a placement goal percentage is established to address the underutilization.

Protected Groups

Coverage under affirmative action laws and regulations applies to:

1. Women of all race and/or ethnic groups.
2. Minorities who are recognized as belonging to or identifying with the following race or ethnic groups: Blacks/African Americans, Hispanics/Latinos, Asians/Pacific Islanders, and American Indians/Alaskan Natives.

Program Terminology

The terms, "comparison of incumbency to availability," "deficiency," and "problem area," appearing in this AAP, are terms Texas A&M University - Corpus Christi is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance whatsoever. Although Texas A&M University - Corpus Christi will use the terms in total good faith in connection with its AAP, such use does not necessarily signify that the University agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives.

The comparison of incumbency to availability contained herein is required by Government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with Government regulations, as interpreted by Government representatives. The use of certain geographic areas and sources of statistics does not indicate Texas A&M University - Corpus Christi's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.

The grouping of job titles into a given job group does not suggest that Texas A&M University - Corpus Christi believes the jobs so grouped are of comparable worth.

Whenever the term "goal" is used, it is expressly intended that it does "not provide the contractor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual's employment stats, on the basis of that person's race, color, religion, sex, or national origin", as stated in Title 41 Code of Federal Regulations, Part §60-2.17(b) 60-2.16(e)(2).

In accordance with **§60-2.16 Placement goals:** Placement goals serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work. Placement goals also are used to measure progress toward achieving equal employment opportunity. A contractor's determination under §60-2.15 that a placement goal is required constitutes neither a finding nor an admission of discrimination.

Where, pursuant to §60-2.15, a contractor is required to establish a placement goal for a particular job group, the contractor must establish a percentage annual placement goal at least equal to the availability figure derived for women or minorities, as appropriate, for that job group. The placement goal-setting process described above contemplates that contractors will, where required, establish a single goal for all minorities. In the event of a substantial disparity in the utilization of a particular minority group or in the utilization of men or women of a particular minority group, a contractor may be required to establish separate goals for those groups.

In establishing placement goals, the following principles also apply:

- (1) Placement goals may not be rigid and inflexible quotas, which must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups. Quotas are expressly forbidden.
- (2) In all employment decisions, the contractor must make selections in a nondiscriminatory manner. Placement

goals do not provide the contractor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual's employment status, on the basis of that person's race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) Placement goals do not create set-asides for specific groups, nor are they intended to achieve proportional representation or equal results.

This AAP is not intended to create any contractual or other rights in any person or entity.

Reliance on EEOC's Guidelines

Although Texas A&M University - Corpus Christi does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this AAP in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

Reporting Period

This AAP is designed to cover the following reporting periods:

- Employment Transaction period: January 1, 2019 – December 31, 2019
- AAP implementation period: January 1, 2020 –December, 31, 2020

Statement of Purpose

This AAP has been designed to bring women and members of minority groups, into all levels and segments of Texas A&M University - Corpus Christi's workforce in proportion to their representation in the qualified, relevant labor market.

The AAP, therefore, is a detailed, results-oriented set of procedures which, when carried out, results in full compliance with equal employment opportunity requirements through the equal treatment of all people.

The manner in which this is to be accomplished becomes technical and somewhat complicated. There are several reasons for this. First, Texas A&M University - Corpus Christi is subject to and must address a variety of State and Federal laws and guidelines dealing with equal employment opportunity and affirmative action. These guidelines and requirements are in themselves somewhat technical and complex. In addition, relevant court decisions, which are often useful in interpreting, but sometimes conflict with, these requirements and guidelines, must be considered when developing and implementing the AAP. Furthermore, in determining Texas A&M University - Corpus Christi's current equal employment opportunity and affirmative action position and its desired future achievements, numbers, percentages, statistics, and numerous calculations and computations must come into play.

The technical, legal, and mathematical aspects of the AAP, however, all have one common purpose—to allow us to properly identify three key concepts:

1. What is our current utilization of women and minorities,
2. What are our affirmative action goals,
3. What actions will assist us in achieving our goals.

These three concepts are the framework of the Affirmative Action Plan.

The University Affirmative Action Plan is available for review in the office of Employee Development and Compliance Services (EDCS), Chief Compliance Officer, Human Resources Department, the Bell Library, and on the EDCS Compliance website

Texas A&M University-Corpus Christi
EXECUTIVE ORDER 11246
AFFIRMATIVE ACTION PROGRAM
FOR MINORITIES AND WOMEN

<u>Volume I</u>	<u>Title 41 CFR Section</u>
Organizational Profile/Display	§60-2.11
Job Group Analysis	§60-2.12
Utilization Analysis	
Placement of Incumbents in Job Groups	§60-2.13
Determining Availability	§60-2.14
Comparing Incumbency to Availability Placement Goals	§60-2.15-2.16
<u>Volume II</u>	
Additional Required Elements	§60-2.17
Designation of Responsibility for Implementation	§60-2.17(a)
Identification of Problem Areas	§60-2.17(b)
Action-Oriented Programs	§60-2.17(c)
Internal Audit and Reporting System	§60-2.17(d)
Support Data	§60-2.17(b) and 60-3
Personnel Activity	
Applicant Flow Log	
Guidelines on Discrimination because of Religion or National Origin	§60-50

Designation of Responsibility for Implementation

President:

The ultimate responsibility for equal employment opportunity and affirmative action rests with the President/CEO. The President/CEO responsibilities include, but are not limited to the following:

1. Delegating the responsibility for overseeing, administering, implementing, and monitoring the Affirmative Action Plan to appropriate personnel.
2. Ensuring that those designated personnel responsible for components of the Affirmative Action Plan are, to the greatest extent possible, given the staffing necessary to implement successfully their assigned responsibilities.
3. Imparting personal direction that assures total involvement and commitment to equal employment opportunity and affirmative action.

Responsibilities of the Director, Employee Development and Compliance Services (EDCS):

The Director, Employee Development and Compliance Services department has the responsibility for designing and ensuring the effective implementation of the Texas A&M University-Corpus Christi (TAMUCC) Affirmative Action Program (AAP). These responsibilities include, but are not limited to, the following:

1. Developing campus Equal Employment Opportunity (EEO) statements, affirmative action programs and internal and external communication procedures;
2. Assisting in the identification of AAP/EEO problem areas;
3. Assisting management in arriving at effective solutions to AAP/EEO problems;
4. Designing and implementing an internal audit and reporting system that:
 - a. Measures the effectiveness of TAMUCC's program;
 - b. Determines the degree to which AAP goals and objectives are met; and
 - c. Identifies the need for remedial action;
5. Keeping the President/CEO and other leaders informed of equal opportunity progress and reporting potential problem areas within the University through annual reports;
6. Reviewing the University's AAP for qualified minorities and women with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
7. Auditing the contents of the University's electronic and physical bulletin board to ensure compliance information is posted and up-to-date; and
8. Serving as liaison between TAMUCC and TAMUS points of contact.

Responsibilities of Vice Presidents, Deans, Department Heads, Managers and Supervisors:

It is the responsibility of all managerial and supervisory staff to implement the TAMUCC AAP. These responsibilities include, but are not limited to:

1. Assisting in the identification of problem areas, formulating solutions, and establishing departmental goals and objectives when necessary;
2. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer, and termination actions occur; and
3. Evaluating the performance of subordinate supervisors, taking into consideration their good faith efforts for meeting established commitments in equal employment opportunity and affirmative action.
4. Addressing professional development for employees as part of the annual performance evaluation process.
5. Completing a job posting in the web-based application and applicant tracking system.
6. Advertising in publications or websites whose readership includes the underutilized groups identified with affirmative action recruitment goals for open positions.
7. Reviewing applications, conducting interviews, and selecting the individual to be hired in accordance with campus policy.
8. Completing the Hiring Matrix, requiring job-related reasons for both selection and non-selection of all applicants interviewed.

Identification of Problem Areas

<i>Areas of Concern</i>	<i>Corrective Actions</i>
<p>Underutilization of minorities and women in the following Job Groups where search has inadequate applicant flow of underutilized women and/or minorities:</p> <p><u>Minorities</u> Staff- 662, 663, Faculty- 511, 273</p> <p><u>Women</u> Staff- 446, 552</p>	<ul style="list-style-type: none"> • Ensure an external search is conducted if the job position has been identified as underutilized for women, minorities, and/or veterans, and persons with disabilities. • Internal postings should not be pursued or approved for underutilized job groups, as this may not yield underrepresented groups and thus countermands affirmative action outreach. • Increase applicant flow to at least the level of calculated availability through new recruitment strategies, i.e. targeted advertisement, solicitation of candidates through nomination process, and minority/female organizations. • Subscribe to computerized vita/talent banks. • Monitor/place employment advertising in minority publications, ensuring advertisement meets guidelines and targets minority recruitment. • Discourage the minimum 5 day posting for these job groups and post for a minimum of 30 days.
<p>Underutilization of minorities and women in the following Job Groups, where search has good applicant flow, but did not yield adequate contender candidates:</p> <p><u>Minorities</u> Staff - 335, 775 Faculty 273, 920, 311, 642</p> <p><u>Women:</u> Staff-114, 446, Faculty - 213, 272, 282 513, 642</p>	<ul style="list-style-type: none"> • Review minimum qualifications and preferences, reevaluate assessment tools & procedures • Consider extending the application deadline whenever the representation (candidates) of women & minorities groups is less than 80% of the availability.
<p>Underutilization of minorities/women where the search produced good applicant flow, good competitive candidates, but women and/or minority candidates were not selected:</p> <p><u>Minorities:</u> Staff - 111, 337 Faculty - 222, 223, 242, 291, 322, 401, 402, 632</p> <p><u>Women:</u> Staff - 112 Faculty - 211, 282, 291, 292, 342, 912</p>	<ul style="list-style-type: none"> • Evaluate selection tools for disparate impact, • Identify from candidates why they declined a nomination or an offer & determine if his or her reasons for declining can be addressed and resolved.

Action-Oriented Programs

TAMUCC has instituted action programs to eliminate identified problem areas and to help achieve specific affirmative action goals. These programs include:

1. Conducting annual analyses of job descriptions to ensure they accurately reflect job functions;
2. Reviewing job descriptions by department and job title using job performance criteria;
3. Making job descriptions available to recruiting sources and available to all members of management involved in the recruiting, screening, selection and promotion processes;
4. Evaluating the total selection process to ensure freedom from bias through:
 - a. Reviewing job applications and other pre-employment forms to ensure information requested is job-related;
 - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
 - c. Training personnel and management staff on proper interview techniques, how to conduct performance evaluations; and
 - d. Training in EEO for management and supervisory staff;
5. Using techniques to improve recruitment and increase the flow of minority and female applicants. TAMUCC presently undertakes the following actions:

Recruitment:

- Texas A&M University - Corpus Christi will continue to place advertisements of job opportunities through the local Texas Workforce Commission (TWC) office. The TWC's service office will be notified concurrent with the placement of a newspaper ad. The Provost and Vice President for Academic Affairs will also post faculty and senior level positions on <http://www.higheredjobs.com> and the Chronicle of Higher Education.
- Due to the extensive technical education and experience required for some positions, Texas A&M University - Corpus Christi will also continue to place job opportunity announcements in the University website, <https://islanderjobs.tamucc.edu/>. Employees or applicants may review and/or apply for any openings. Human Resources staff who regularly assist applicants are bilingual and are available to assist Spanish speaking applicants on-site or by phone.
- Texas A&M University - Corpus Christi will continue to place an ad on our University website <https://islanderjobs.tamucc.edu> and post notice on newsletters for internal postings.

Advertisements and newsletters will contain the statement:

“Texas A&M University-Corpus Christi is an Equal Opportunity/Affirmative Action/Veterans/Disability Employer.” In paid limited space advertisements, this may be shortened to:
“EO/AA/Vet/Disabled Employer”

- Online and on-site training programs are available for hiring managers, on subjects including how to conduct effective interviews.
- Texas A&M University - Corpus Christi will continue to recruit by email to several colleges and universities, and placing advertisements with Hispanic Serving Institutions, Historically Black Colleges and Universities, the Chronicle of Higher Education, professional discipline-specific journals, and the Texas Workforce Commission, etc.
- Conduct two outreach efforts with local black and Hispanic community centers
- Plan an open house event (once COVID) restrictions lift, for local black and Hispanic community organization representatives to learn about the campus, hiring process, and employment needs.
- The University will continue to employ students who work part-time during the school year. Many of these students are referred by the Financial Aid Office and Career Services Office.
- Texas A&M University - Corpus Christi will continue to publish recruiting brochures where minority and female members of the workforce are included, as well as in other University literature, and websites.

Job Specifications/Selection Process:

- Develop position descriptions that accurately reflect position functions, and are consistent for the same position from one location to another.
- Develop job or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. Develop specifications that are free from bias regarding age, race, color, religion, national origin, disability or veteran status.
- Approved position specifications and worker specifications will be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
- Texas A&M University - Corpus Christi will continue to use only worker specifications that include job-related criteria.
- Texas A&M University - Corpus Christi will continue to carefully select and counsel all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate bias in all personnel actions.

Job Advancement:

- Texas A&M University - Corpus Christi will continue to post or announce job opportunities. TAMUS Job Posting Policy requires postings of all positions up to the Senior Management level, except in the case of approved internal promotions and TAMUS only postings.
- Texas A&M University - Corpus Christi will continue to make use of the inventory of our current employee skills, when completed, to determine academic, skill, and experience level of individual employees.
- Require supervisory personnel to submit justification when apparently qualified minority or female employees are passed over for upgrading.
- All employees are actively encouraged to participate in facilities and University -sponsored social and recreational activities.
- Texas A&M University - Corpus Christi will continue to use our formal employee evaluation program. The performance appraisal is used for annual reviews for all employees.

Employees can take online training courses, in person courses/workshops, and request off campus classroom training, and are provided with an annual employee development day.

- Tuition Assistance Scholarship is offered to all full-time budgeted employees who have completed an initial 3-month employment period who are interested in pursuing an undergraduate degree or an advance degree, with certain limitations.

Internal Audit and Reporting System

The Director, EDCS, has the responsibility for developing and preparing the formal documents of the AAP. The Director, EDCS is responsible for the effective implementation of the AAP; however, responsibility is likewise vested with each department manager and supervisor. The Director, EDCS's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which TAMUCC's AAP goals and objectives have been obtained.

The following personnel activities are reviewed to ensure nondiscrimination and equal employment opportunity for all individuals without regard to their race, color, sex, sexual orientation, gender identity, religion, or national origin:

- Recruitment, advertising, and job application procedures;
- Hiring, promotion, upgrading, award of tenure, layoff, recall from layoff;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Sick leave, leaves or absence, or any other leave;
- Training, apprenticeships, attendance at professional meetings and conferences; and
- Any other term, condition, or privilege of employment.

The following documents are maintained as a component of TAMUCC's internal audit process:

1. An applicant flow log showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
2. Summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification;
3. Summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants for each position;
4. Maintenance of employment applications (not to exceed one year); and
5. Records pertaining to TAMUCC's compensation system.

TAMUCC's audit system includes an annual report documenting TAMUCC's efforts to achieve its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Director, EDCS. During quarterly reporting, the following occurs:

- 1) The Director, EDCS will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the Chief Compliance Officer; and
- 2) The Director, EDCS will report the status of the TAMUCC's AAP goals and objectives to the Chief, Compliance Officer. The Director, EDCS will recommend remedial actions for the effective implementation of the AAP.

Guidelines on Discrimination Because of Religion or National Origin

It is the policy of TAMUS and TAMUCC to take affirmative action to ensure that applicants are employed, without regard to their religion or national origin. Such action includes, but is not limited to the following employment practices: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation and selection for training.

Employment practices have been reviewed to determine whether members of the various religions and/or ethnic groups are receiving fair consideration for job opportunities. Attention has been directed toward executive and middle management levels.

The policy concerning TAMUCC's obligation to provide equal employment opportunity without regard to religion or national origin is communicated to all employees via employee rules/procedures, the President's annual Reaffirmation and Commitment to Affirmative Action and Equal Opportunity, and the Affirmative Action Program.

Internal procedures have been developed in this program to ensure that TAMUCC's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented.

Recruiting sources have been informed of our commitment to provide equal employment opportunity without regard to religion or national origin.

Employment records of all employees are reviewed to determine the availability of promotable and transferable employees.

Contacts with religious and ethnic organizations will be made for purposes of advice, education, technical assistance and referral of potential employees as necessary to accomplish the purpose of this program.

TAMUCC engages in recruitment activities at various recruitment fairs with substantial potential employees from various ethnic and religious groups.

Ethnic and religious media may be used for employment advertising.

Reasonable accommodations to the religious observances and practices of employees or prospective employees will be made, unless doing so would result in undue hardship, in accordance with Request for Religious Accommodation, TAMUCC Procedure 08.01.01.C1.04. In determining whether undue hardship exists, factors such as the cost to the University and the impact on the rights of other employees would be considered.