

HARVARD UNIVERSITY

January 1, 2016

Affirmative Action Program for Minorities and Females

This affirmative action program is effective from
January 1, 2016 - December 31, 2016



HARVARD
UNIVERSITY

Top U.S. Official: Drew Gilpin Faust, President

AA/EEO Official: Lisa Coleman, Chief Diversity Officer/Special Assistant to the
President

Confidentiality Statement

The material set forth in this program is deemed to be confidential commercial and financial data, the public disclosure of which could cause substantial competitive harm to Harvard University. In addition, all statistical components of this program, including any and all data pertaining to employee compensation, workforce structure (including the ratios between and among job groups and EEO-1 categories), the organizational profile, final availability and placement rate goals, job group analysis report, identification of problem areas and supporting information pertaining to employment activity, determinations of adverse impact and determinations of problems in workforce distribution and employment policies and practices, or the analyses of any of the foregoing, are deemed to constitute trade secrets, operations information, confidential statistical data and other confidential commercial and financial data within the meaning of the Freedom of Information Act (FOIA), 5 U.S.C. §552 *et. seq.*, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et. seq.*, the Trade Secrets Act, 18 U.S.C. §1905, and 44 U.S.C. §3508, the disclosure of which is prohibited by law and would subject the individual making the disclosure to criminal and/or civil sanctions. This material has not been disclosed to the public, and should not be, since such disclosure could cause substantial competitive harm to Harvard University. Therefore, in accordance with 29 C.F.R. §70.26(c) – (e), we expect that Harvard University will be notified in writing by the agency prior to disclosure of any request for information pertaining to all or any part of this program, and that Harvard University shall be given an opportunity to present its objection to disclosure.

In addition:

- No information contained in this Affirmative Action Program is to be copied, removed from the premises or released to other individuals without prior notification to Harvard University.
- All monitoring reports as required by federal regulations and laws have been completed. Reports that require specific data such as names of employees and salary information have not been included within the context of this plan. This information is on file at the University as documentation of supportive data reports.
- Employees and applicants who receive permission to see relevant portions of this Affirmative Action Program must treat the information contained therein as confidential and are not permitted to copy or remove information from Harvard's premises.

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I. Introduction: Affirmative Action Program for Minorities and Females

This Affirmative Action Program (AAP) is designed to satisfy Harvard University's equal employment opportunity and affirmative action responsibilities under Executive Order 11246, as amended, and the implementing rules and regulations of the Secretary of Labor. Separate AAPs for protected veterans and individuals with disabilities have been adopted by Harvard University.

Harvard University has prepared this AAP to cover all applicants and employees. As described in detail in the program that follows, Harvard University has a continuing commitment to the practice and implemented action of this AAP.

II. REAFFIRMATION OF THE UNIVERSITY'S POLICY CONCERNING AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY BY THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE

The President and Fellows adopted the following statement reaffirming the University's policy concerning affirmative action and equal employment opportunity:

In their statements of November 3, 1969, and successive years, the President and Fellows of Harvard College emphasized the University's policy of affirmative action and equal employment opportunity. The President and Fellows take this occasion once again to reaffirm the University's policy.

Harvard University is committed to selecting faculty and staff without regard to race, color, sex, gender identity, sexual orientation, religion, creed, national origin, ancestry, age, protected veteran status, disability, genetic information, military service or other protected status. The President and Fellows of Harvard College call upon every member of the University involved in recruitment, hiring, and promotions to exert their best efforts to achieve the goals set forth in the current affirmative action plan. The President and Fellows call upon every member of the University to engage wholeheartedly in the effort to ensure a wholly nondiscriminatory process in all phases of employment, including, but not limited to, recruiting, employment, placement, upgrading, demotion or transfer, reduction of workforce and termination, rates of pay or other form of compensation, selection for training, and participation in all Harvard University-sponsored employee activities. Harvard also expects that outside agencies with which it contracts will comply with all applicable antidiscrimination laws.

Employees and applicants shall not be subjected to harassment or intimidation because they have: (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state, or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state, or local law requiring equal opportunity.

Diversity within the University community advances the academic purposes of the University, and an affirmative action policy is essential to achieving such diversity. The University endorses the goals of equal employment opportunity and affirmative action as supportive of University values and of the values of a democratic and pluralistic society.

But simply adopting a policy of equal employment opportunity alone is insufficient. The University is also required to meet affirmative action program requirements established for contractors by the federal government and monitored by the Department of Labor. Such programs provide a mechanism for monitoring University personnel policies to ensure equal employment, as well as a means for locating and eliminating any deficiencies in relevant areas of employment.

The Office of the Assistant to the President for Institutional Diversity and Equity provides a central focus and resource within the University for pursuing with determination our goals of equal employment opportunity. Under the direction of Lisa Coleman, the University's Chief Diversity Officer/Special Assistant to the President, the office serves as the University's liaison with the federal government in matters related to contract compliance concerning employment, coordinates the University's affirmative action programs, and provides oversight of their implementation throughout the University.

Harvard must and will maintain its commitment to the goals of affirmative action and equal employment opportunity. The President and Fellows of Harvard College request continuing cooperation at every level of the University toward implementing the University's policy.

Drew Gilpin Faust

III. Responsibility for Implementation

Pursuant to the requirements under 41 C.F.R. §60-2.17 (a), Harvard University has assigned the overall responsibility and accountability for its equal employment opportunity and AAP to Lisa Coleman, Chief Diversity Officer/Special Assistant to the President, who has the authority, resources, support of and access to top management to ensure effective implementation of the AAP. It is Harvard University's objective to ensure full adherence to its equal employment opportunity policy and to the AAP.

Inquiries should be referred to the Office of the Assistant to the President for Institutional Diversity & Equity, Suite 727W, Smith Campus Center, Harvard University, Cambridge, Massachusetts 02138, by phone at 617 495-1540, or by email at diversity@harvard.edu.

In carrying out this responsibility, the Chief Diversity Officer/Special Assistant to the President will do, but not necessarily be limited to, the following:

- Develop and/or reaffirm the University's equal employment and affirmative action policy statement.
- Disseminate the University's policies both internally and externally.
- Develop and update annually the University's Affirmative Action Programs.
- Identify problem areas through continued analysis and monitoring of all personnel activities.
- Design and implement an internal audit and reporting system that will measure the effectiveness of all equal employment opportunity programs; indicate a need for remedial action on a timely basis; and determine the degree to which the goals and objectives are attained.
- Serve as a liaison with enforcement agencies; minority and women's organizations; community action groups concerned with equal employment opportunity for minorities, women, individuals with disabilities, and protected veterans.
- Keep management informed of the latest developments in the area of equal opportunity.

Designated as the University's Compliance Officer for Equal Employment Opportunity and Affirmative Action and Director of Equal Opportunity Compliance Programs (EOCP), and reporting to the Chief Diversity Officer, Stella Chin oversees the collection and analysis of workforce and employment activity data, with responsibility for the internal audit and monitoring procedures designed to assure compliance with affirmative action programs, policies and procedures relating to faculty and staff employment. Working with faculty and staff departmental administrators and human resource staff located centrally and locally, she analyzes recruitment, selection, and retention strategies and monitors availability data and progress toward affirmative action goals. She can be contacted at the address, email, or telephone indicated above.

IV. Identification of Problem Areas

Pursuant to the requirements under 41 C.F.R. 60-2.17 (b), Harvard University periodically performs in-depth analyses of its total employment process to determine whether and where impediments to equal employment opportunity exist. These analyses include the following evaluations, as applicable:

- (1) Workforce by organizational unit and job group to determine whether there are problems of minority or female utilization or of minority or female distribution;
- (2) Personnel activity, including applicant flow, hires, terminations, promotions and other personnel actions, to determine whether there are selection disparities;
- (3) Compensation system to determine whether there are gender-, race- or ethnicity- based disparities;
- (4) Selection, recruitment, referral, and other personnel procedures to determine whether they result in disparities in the employment or advancement of minorities or females; and
- (5) Any other areas that might impact the success of the AAP.

V. Composition of the Workforce

Harvard University is best understood as a confederation of its various Faculties with a Central Administration. Decision-making is decentralized, and high degrees of responsibility for governance are vested in its various academic units. Consequently, a great deal of cooperation, consent, and consultation characterize the governance process of the University. A collegial environment for decision-making prevails, allowing for the combination of freedom and control that best suits an academic institution.

A. Organizational Profile

Pursuant to the requirements under 41 C.F.R. §60-2.11, Harvard University completed an organizational profile to depict the staffing pattern within an establishment. The organizational profile is one method Harvard University uses 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 females or minorities are underrepresented or concentrated. Harvard University created a workforce analysis as its organizational profile. The workforce analysis is a listing of each job title ranked from the lowest paid to the highest paid within each department or other similar organizational unit.

The Workforce Analysis report is included in the statistical portion of the AAP.

B. Job Group Analysis

Pursuant to the requirements under 41 C.F.R. §60-2.12, Harvard University combined job titles at the establishment with similar content, wage rates, and opportunities to form job groups. Pursuant to the requirements under 41 C.F.R. §60-2.13, Harvard University separately stated the percentage of minorities and females it employs in each job group.

The Job Group Analysis report is included in the statistical portion of the AAP.

C. Determining Availability

Pursuant to the requirements of C.F.R. §60-2.14 (b), Harvard University has separately calculated a final availability rate for minorities and females in each job group. Availability is an estimate of the number of qualified minorities or females 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 Harvard University’s incumbent workforce can be compared in order to determine whether barriers to equal employment opportunity may exist within particular job groups.

Pursuant to the requirements under 41 C.F.R. §60-2.14 (c) (1) and 41 C.F.R. §60-2.14 (c) (2), Harvard University considered two factors in determining availability. These two factors are described in the following chart, later referred to as external and internal availability.

Regulation	Factor	Consideration
41 C.F.R. §60-2.14 (c) (1)	Requisite skills in the reasonable recruitment area	Harvard University has identified the reasonable recruitment area for each job group.
41 C.F.R. §60-2.14 (c) (2)	Promotable, transferable and trainable	For each job group, Harvard University has identified the job groups and/or titles from which employees historically have been promoted or transferred. In addition Harvard University has considered those employees within the organization who could, with appropriate training provided by Harvard University, be promoted or transferred during the AAP year.

Harvard University has not drawn its reasonable recruitment areas in such a way as to have the effect of unreasonably excluding minorities or females.

The 2006-2010 American Community Survey (ACS) EEO Tabulation, released by the United States Census Bureau, was used to determine the percent of qualified minorities and females in a reasonable recruitment area in this AAP. External availability was calculated by matching job titles in job groups to a census occupation code.

Harvard University determined the pool of promotable, transferable and trainable employees for each job group based on the requirements set forth under 41 C.F.R. §60-2.14 (c) (2) and 41 C.F.R. §60-2.14 (f). Harvard University has not defined these pools in such a way as to have the effect of unreasonably excluding minorities or females.

Internal availability was calculated by reviewing actual historical hiring and internal placement activities and reviewing demographic data for those employees who could, with appropriate training provided by Harvard University, become promotable or transferable during the AAP year.

Harvard University further determined a composite availability figure for each job group. Pursuant to the requirements under 41 C.F.R. §60-2.14 (g), Harvard University has calculated an availability figure for minorities and females where job groups were comprised of job titles with rates of availability different enough to warrant a composite availability figure. Harvard University calculated such a composite availability by:

- (1) Determining the availability for each job title;
- (2) Determining the proportion of job group incumbents employed in each job title;
- (3) Weighting the availability for each job title by the proportion of job group incumbents employed in each job title within that job group; and
- (4) Adding the weighted availability estimates for all job titles within the job group.

The Factor Availability report is included in the statistical portion of the AAP.

D. Comparing Incumbency to Availability

Pursuant to the requirements of 41 C.F.R. §60-2.15 (a), Harvard University must compare the percentage of minorities and females in each job group determined pursuant to 41 C.F.R. §60-2.13 with the availability for those job groups determined pursuant to 41 C.F.R. §60-2.14.

The Utilization Analysis report is included in the statistical portion of the AAP.

E. Placement Goals

Pursuant to the requirements of 41 C.F.R. §60-2.16, Harvard University established a percentage annual placement goal at least equal to the availability figure derived for minorities or females, as appropriate, for that job group. Harvard University established these goals as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of its AAP work. A placement goal constitutes neither a finding nor an admission of discrimination. In establishing placement goals, the following principles apply:

(1) Placement goals are not 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.

(2) In all employment decisions, Harvard University makes selections in a nondiscriminatory manner. Placement goals do not provide 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 individual's race, color, religion, sex, 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.

(4) Placement goals are not used to supersede merit selection principles, nor do these goals require Harvard University to hire a person who lacks qualifications to perform the job successfully or hire a less qualified person in preference to a more qualified one.

The Goals report is included in the statistical portion of the AAP. In addition, a Goal Attainment report showing progress made towards underutilized job groups, as identified in the previous year plan, can be found in the statistical portion of the AAP. Harvard University will establish affirmative action goals and programs to correct any deficiencies as defined by the OFCCP, and will continue to make good faith efforts to reach these goals and implement action-oriented programs.

VI. Personnel Activity

Pursuant to the requirements of 41 C.F.R. §60-2.17 (b) (2), Harvard University has performed in-depth analyses of its total employment process to determine whether and where impediments to equal employment opportunity exist. Harvard University evaluated personnel activity (applicant flow, hires, promotions and terminations) to determine whether there were selection disparities.

New hire activity is summarized by job group in the New Hires Summary report. In addition, the Adverse Impact reports by job group/title for other personnel activity (applicant flow, promotions and terminations) are included in the statistical portion of the AAP.

VII. Compensation

Pursuant to the requirements of 41 C.F.R. §60-2.17 (b) (3), Harvard University will evaluate its compensation system to determine whether there are gender-, race-, or ethnicity based disparities. If Harvard University discovers significant salary differences, it will determine whether they are the result of legitimate and nondiscriminatory factors (e.g., tenure, time in job, performance, education, previous experience). Where appropriate, Harvard University will take all reasonable steps to make any necessary adjustments.

VIII. Action-Oriented Programs

Pursuant to the requirements under 41 C.F.R. §60-2.17 (c), Harvard University has developed and executed action-oriented programs designed to correct any problem areas identified pursuant to 41 C.F.R. §60-2.17 (b). Harvard University has demonstrated that it has made good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results.

IX. Internal Audit and Reporting Systems

Pursuant to the requirements under 41 C.F.R. §60-2.17 (d), Harvard University has developed and implemented an auditing system that periodically measures the effectiveness of its total AAP. This system includes the following:

(1) Harvard University will periodically monitor the progress toward affirmative action goals.

(2) Lisa Coleman, Chief Diversity Officer/Special Assistant to the President, will continue to monitor records of applicant flow, referrals, placements, rejected offers, training, transfers, promotions, terminations, and any layoffs or recalls to ensure that Harvard University's non-discriminatory policy is carried out. Procedures are reviewed and revised as problems are identified.

(3) Top management is and will continue to be informed of any problems that arise in their respective areas so that immediate and appropriate steps can be taken to resolve any issues.

(4) Harvard University recognizes its responsibility to affirmative action and is committed to fulfilling this responsibility by complying with all government regulations and laws pertaining to equal employment opportunity. As part of this commitment, management will be kept abreast of developments in the affirmative action area. The primary vehicle for communication with management will be periodic affirmative action briefings.

(5) Harvard University will review report results with all levels of management as to the degree to which their affirmative action goals and compliance are being attained, and design and implement corrective actions, including adjustments in programs, as needed.

The establishment's AA/EEO official, Lisa Coleman, Chief Diversity Officer/Special Assistant to the President, is responsible for executing these internal audits and reporting responsibilities.