

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Review of Equal Employment Opportunity and Affirmative Action at the University of Hawaii

Summary

We found that inadequate resources, unclear assignments of responsibilities, and insufficient staff have weakened the equal employment opportunity and affirmative action (EEO/AA) program at the University of Hawaii. The university needs a more vigorous enforcement program to provide more support for those who believe they have been victims of discrimination and to strengthen the procedures for handling complaints. To promote equal opportunity, the university needs from its Board of Regents a strong and complete policy statement on affirmative action, and a plan that reflects an active commitment to the goals of affirmative action.

The university has proposed that an Office of Sexual Harassment Policy Enforcement be established to handle sexual harassment complaints. Sexual harassment complaints have averaged about seven per year over the past six years, and a separate office to handle this one type of complaint does not appear warranted. The scope of resources the university proposes for this single office would equal the resources currently dedicated to the entire EEO/AA program in the university system.

Like all employers, the university is bound by the laws covering equal employment opportunity. These laws protect people from being denied employment or promotion on the basis of race, color, religion, sex, age, national origin, handicap, marital status, arrest or court record, and veteran status. The university is also governed by federal laws that protect students from discrimination on the basis of race, sex, color, or national origin. All government agencies must also have affirmative action plans containing the means for self-analysis, the basis for concluding that affirmative action is appropriate, and the action to be taken. Affirmative action is directed at removing the barriers excluding certain groups and individuals from full participation.

Recommendations and Response

We recommended that the Board of Regents and the university establish a systemwide EEO/AA office whose director would report to the president. This office should have sufficient staff and resources to plan, carry out, and support programs in enforcement, compliance, and education throughout the university system. We also recommend that

there be an advocate position in the Office of the Dean of Students at Manoa to work with students who claim to be victims of sexual harassment and other forms of discrimination.

To improve the affirmative action program, we recommended that the university and its board update its EEO/AA policy and develop a systemwide plan that has goals for hiring, strategies to achieve them, timetables for action, and the means for holding administrators accountable. The university should review the responsibilities of EEO/AA coordinators on each campus to ensure they have sufficient time and authority to carry out their responsibilities.

Instead of establishing a separate Office of Sexual Harassment Policy Enforcement and an office for victims of discrimination, the Legislature should consider expanding the existing EEO/AA office, thereby strengthening the enforcement program as a whole.

The Board of Regents and the University of Hawaii concurred generally with our recommendations except for the recommendation that, instead of creating a new Office of Sexual Harassment Policy Enforcement, the university should strengthen the existing EEO/AA office.

Background

Providing impetus for this study were students, faculty, and staff who were concerned with improving the complaints procedures at the university and increasing the representation of minorities among faculty and staff. The Legislature asked the auditor to review the structure, functions, and missions of the EEO/AA office and recommend improvements and to determine whether an office for victims of discrimination should be established.

Universities across the nation confront unique problems in responding to civil rights laws. Although they must comply with civil rights laws and the due-process handling of issues, they do so within the academic traditions of collegiality and independence. And although the relationship between instructor and student differs from that between employer and employee, it is still a relationship between superior and subordinate that can adversely affect the student.

Some universities have been able to move beyond simply enforcing antidiscrimination laws to strengthening affirmative action programs. We used the programs at two of these institutions--the University of California and Ohio State University--as models of what could be done.

Office of the Auditor State of Hawaii

465 South King Street, Suite 500
Honolulu, Hawaii 96813
(808) 548-2450
FAX (808) 548-2693