



**AFFIRMATIVE ACTION PLAN (AAP) CY 2022  
EXECUTIVE ORDER 11246**

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

**AAP FOR MINORITIES AND WOMEN  
VOLUME I**

A handwritten signature in black ink that reads "Kelly Miller".

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Dr. Kelly Miller  
President/CEO

Texas A&M University-Corpus Christi

**EEO/AA Contact:**

Mr. Samuel Ramirez, SPHR, SHRM-SCP, Sr. Certified Affirmative Action Professional  
Director, Employee Development & Compliance Services Department, Title IX Coordinator, ADA/504  
Coordinator Affirmative Action Representative, State Agency Veteran's Liaison  
Texas A&M University - Corpus Christi  
6300 Ocean Drive  
Corpus Christi Hall Room 130  
Corpus Christi, Texas 78412

A decorative graphic consisting of several light blue circles of varying sizes arranged in a cluster. The text "CY 2022" is centered within the largest circle.

CY  
2022



TEXAS A&M  
UNIVERSITY  
CORPUS  
CHRISTI

## OFFICE OF THE PRESIDENT



September 1, 2021

### MEMORANDUM

**TO:** Faculty, Staff, and Students

**SUBJECT:** Reaffirmation of Commitment to Equal Opportunity, Affirmative Action, Diversity and Inclusive Excellence

The responsibility and privilege for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical principles and standards. Greater diversity will enhance the quality of Texas A&M University-Corpus Christi and enrich understanding between students, employees and the entire community.

Accordingly, we are committed to providing equal opportunity without regard to race, color, sex, sexual orientation, gender identity, religion, national origin, age, genetic information, veteran status, or disability. This commitment extends beyond nondiscrimination and simply achieving numerical diversity to that of inclusive excellence in the intellectual and social life of our campus. This vow to prepare students for responsible participation in a diverse global community, through excellence and engagement, is the hallmark of a great university. Therefore, every Islander is responsible and accountable for providing a work and academic environment where everyone feels included and is treated with dignity and respect.

Moreover, sexual harassment is a form of discrimination based on sex. It is defined as unwelcome conduct of a sexual nature, which includes unwelcome sexual advances, requests for sexual favors, and other sex-related verbal, physical, or nonverbal conduct (e.g., sexually based stalking, videotaping, "sexting" & voyeurism). Sexual violence, which includes rape, sexual assault, sexual battery, sexual coercion, and dating/domestic violence, is a form of sexual harassment/discrimination.

Employees must, and students and the public are strongly encouraged to, report known or suspected incidents of illegal discrimination, sexual harassment, and/or related retaliation involving faculty, staff, or students, to Mr. Samuel Ramirez, Director, Employee Development & Compliance Services & Title IX Coordinator, or Ms. Rosie Ruiz, Associate Director & Deputy Title IX Coordinator at (361) 825-5826, Corpus Christi Hall, Room 130. They will oversee the prompt and thorough investigation and adjudication of all complaints of discrimination, sexual harassment, interpersonal violence, and related retaliation in accordance with applicable federal and state laws, A&M System Policy 08.01 and Regulation 08.01.01, and university rules and/or procedures. Supervisors (in consultation with the Title IX office) will take immediate and appropriate corrective action. Criminal sex offenses, and hate and other crimes may also be reported to the University Police Department (UPD) at Ext. 4444.

Additionally, Mr. Ramirez is responsible for coordinating and monitoring the implementation of the University's equal opportunity, diversity, affirmative action, ethics, and compliance programs, including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Vietnam Era Veterans Readjustment Assistance Act, Violence Against Women Reauthorization Act, Title IX of the Education Amendments (which includes pregnancy and childbirth accommodations), and serves as the State Agency Veteran's Liaison. Please contact him regarding questions, concerns, or your rights under these programs.

In order to further meet our responsibilities to recent revisions in federal and state law, along with TAMUS regulations, employees and first-year students will be required to complete online training regarding sexual harassment, sexual assault, dating violence, and stalking.

It is essential that we create and maintain an inclusive campus where respecting the diverse cultures around us becomes a part of the natural lifestyle at our place of work and study. As we grow in size and prominence, let us become the role model for others. Please join me in embracing these values and supporting our development as a global community.

With best regards,

A handwritten signature in black ink that reads "Kelly M. Miller". The signature is written in a cursive style with a large, prominent "K" and "M".

Dr. Kelly M. Miller, Ph.D.  
President & CEO  
Texas A&M University-Corpus Christi

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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, 2021. 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
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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, 2021 – December 31, 2021
- AAP implementation period: January 1, 2022 –December, 31, 2022

### **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



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VOLUME II**

**Volume II**

**Title 41CFR Section**

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	
• External Hires, External Applicants, Promotions – Into Job Groups, Promotions Within Job Groups	
• Voluntary Terminations & Retirements, Involuntary Terminations	

EEO/AA Contact:  
Mr. Samuel Ramirez, SPHR, SHRM-SCP, Sr. Certified Affirmative Action Professional  
Director, Employee Development & Compliance Services Department, Title IX Coordinator, ADA/504  
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Texas A&M University - Corpus Christi  
6300 Ocean Drive  
Corpus Christi Hall Room 130  
Corpus Christi, Texas 78412



# Additional Required Elements (60-2.17)



Designation of Responsibility  
for Implementation  
(60.2.17(a))

## **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. Assist in the identification of problem areas, formulating solutions, and establishing departmental objectives when necessary;
2. Review 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. Evaluate the performance of subordinate supervisors, taking into consideration their good faith efforts for meeting established commitments in equal employment opportunity and affirmative action.
4. Address professional development for employees as part of the annual performance evaluation process.
5. Complete a job posting in the web-based application and applicant tracking system.
6. Advertise in publications or websites whose readership includes the underutilized groups identified with affirmative action recruitment goals for open positions.
7. Review applications, conducting interviews, and selecting the individual to be hired in accordance with campus policy.
8. Ensure completion of the Hiring Matrix, requiring job-related reasons for both selection and non-selection of all applicants interviewed.
9. Ensure that search committees include representation of women & minorities to the extent possible.