

**Frequently Asked Questions for Applicants in UC Recruit
Invitation to Self-Identify Sexual Orientation and Gender Identity, Race/Ethnicity, Veteran Status, and
Disability Status**

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1. Q: What is this self-identification effort?

A: In accordance with federal regulations, the University of California is required to invite applicants to voluntarily self-identify their gender, race/ethnicity, disability status, and protected veteran status during the hiring process.

In addition, the University is offering applicants the opportunity to voluntarily self-identify sexual orientation and a nonbinary gender identity to enable the University to understand and support our LGBTQ community. By providing this information, you will help UC create a more inclusive environment that values the diversity of our community.

2. Q: Why does the University collect this kind of demographic information?

A: The University of California system uses data from the self-identification surveys to comply with a number of requirements and regulations. The U.S. Department of Education mandates that institutions of higher education that receive federal assistance collect and report race and ethnicity data using specific race and ethnicity categories for applicants. Similarly, the Department of Labor requires federal contractors such as the University to collect data on gender, race and ethnicity, disability, and veteran status.

Additionally, the University uses aggregate demographic data (total numbers but no associated names) to prepare various institutional reports for senior leaders and other University stakeholders to monitor workforce development and diversity programs. Specifically, applicant data is used in the University's Affirmative Action Plan (AAP), which is required by the Office of Federal Contract Compliance Programs. The AAP includes various workforce analyses which help identify potential barriers to equal employment opportunities for women and underrepresented minorities, and measure outreach efforts towards individuals with disabilities and protected veterans.

Ultimately, personal demographic information is used to better understand the makeup of our applicant population and ensure the University is implementing appropriate diversity and inclusion programs. The University can improve its outreach by ensuring that job advertisements are placed appropriately in order to improve access to applicants.

3. Q: Why are diverse communities important to the University?

A: Diversity is a defining feature of the University of California and we embrace it as a source of strength. Creating an inclusive and intellectually vibrant community is critical to the University's core mission of public service, teaching, and research. As such, we strive to build a culture where our community feels accepted and individual differences are respected and valued as part of our broader commitment to diversity.

4. Q: Who will control this information and who will process it?

A: Institutional Information Proprietors in the Office of Record at each campus determine the purpose and means of processing personal data. An Office of Record is located at each campus and is the responsible office for controlling access to the data. Only certain members with specialized access will be able to view and use this restricted data for diversity, program development, and metric related business purposes.

Anyone involved in making selection or hiring decisions will not have access to identified race/ethnicity, veteran, disability, sexual orientation, or gender information. However, certain users such as data analysts with a legitimate business purpose will have appropriate access to the data.

5. Q: What controls are in place to ensure the privacy of my data?

A: The Office of Record at each campus controls access to sensitive data and limits processing to specific, legitimate business purposes. Workforce members who handle the data receive training on data security and privacy. The Office of Record periodically audits the list of workforce members with access to sensitive personal data to ensure this list of workforce members who have authorized access is accurate and up-to-date.

In addition, if you are located in the European Economic Area, then you may learn about your rights under the EU General Data Protection Regulation (“GDPR”) by reviewing our Privacy Policy <https://recruit.ap.uci.edu/privacy/gdpr>.

6. Q: How will this information be used?

A: Responses to the self-identification survey on gender, race/ethnicity, disability, and veteran status allow each UC location to comply with its federal requirement to annually update a local Affirmative Action Plan (AAP), in compliance with the Office of Federal Contract Compliance Programs requirements. The University will use the information to conduct analysis required by federal regulations.

Previously, the University’s reporting capability was limited to binary gender, race/ethnicity, disability, and protected veteran status. In 2012, a Task Force was charged with providing recommendations for the implementation of California Assembly Bill 620, which requested the University of California to allow faculty, staff, and students to voluntarily identify their sexual orientation, gender identity, and gender expression on any forms used to collect demographic data. In 2017, a workgroup at UC Office of the President (UCOP) was charged with ensuring that a consistent set of self-identification questions were implemented in all systems collecting personnel data. In 2019, a cross-organizational workgroup sent guidance for collecting demographic data on sexual orientation, gender identity, and preferred name for review to select stakeholders. The workgroup recommended that nonbinary gender responses be included in established categories of male, female, and unknown when reporting for applicants.

Your responses to the sexual orientation and gender identity questions will not be used in any hiring decisions. The aggregated responses allow the University to engage in critical analysis of the workforce and personnel processes that are crucial to the fulfillment of the University’s goals of equal employment opportunity. The information will allow UC to support our diverse communities.

Federal regulations do not require the University of California to solicit the additional categories of sexual orientation or nonbinary gender identity, and this information will be included in established categories when reported in the AAP.

7. Q: Are applicants required to self-identify?

A: Responses to race/ethnicity, veteran status, disability status, sexual orientation, and the gender identity self-identification questions are voluntary. However, the University encourages all applicants to complete the survey. Although completion of the survey is voluntary, federal regulations require the University to solicit and report gender, race/ethnicity, disability status, and protected veteran status information for applicants.

All of the survey questions include an option to decline to state; it is the University's expectation that when this option is available, applicants who do not wish to state their status will mark the decline to state option.

There is no penalty for not completing or declining to answer the survey questions. Your application can still be submitted and will be considered complete.

8. Q: Will hiring decisions be based on my responses to the survey questions?

A: No. Choosing to answer or ignore these optional, voluntary self-identification questions does not impact hiring decisions.

9. Q: Can individuals making selection or hiring decisions ask applicants for documentation to prove their gender identity?

A: No. Individuals making selection or hiring decisions may not ask applicants to prove their gender identity.

10. Q: What if I want to change responses to the questions asked?

A: Once your application has been submitted, you will not be able to change your responses for that particular application. However, each application can have different demographic answers, and if you apply again, you will have another opportunity to self-identify.

If you become an employee of the University, you will have another opportunity to voluntarily self-identify your sexual orientation and gender identity as well as race/ethnicity, disability status, and protected veteran status.

11. Q: I do not reside in the United States. Will this information be shared with my home country?

A: Your information will not be shared outside of the United States.

If you are located in the European Economic Area, then you may learn about your rights under the EU General Data Protection Regulation ("GDPR") by reviewing our Privacy Policy <https://recruit.ap.uci.edu/privacy/gdpr>.

If you have questions, please contact the UCOP Systemwide Privacy Compliance Manager, at ECAS@ucop.edu, (510) 987-0479.

12. Q: Will this information be shared with other federal agencies?

A: Select demographic information will be aggregated and used for required aggregated applicant data reporting to the federal government and for internal applicant statistical analysis, reporting, and outreach. It will be given to government agencies responsible for civil rights laws only when requested, or as otherwise required by law.

13. Q: Am I protected from discrimination and harassment based on my sexual orientation and gender identity?

A: It is University policy to not discriminate based on sexual orientation and gender identity.

Please see UC's policy on Discrimination, Harassment, and Affirmative Action in the Workplace: <https://policy.ucop.edu/doc/4000376/DiscHarassAffirmAction>.

14. Q: Why does the University ask applicants to self-identify their race and ethnicity?

A: The University, along with all other higher education institutions, is mandated to report to the federal government certain aggregate statistics about its applicants by race and ethnicity. The Department of Education collection and reporting requirements mandate that institutions of higher education use a two part survey that first asks whether or not the respondent is Hispanic/Latino. The second part asks the respondent to select one or more races from the following categories (with subcategories within those categories): White, Black or African American, Native Hawaiian or Other Pacific Islander, Asian, American Indian or Alaska Native. Any personal identifiable information will not be provided to hiring managers or search committees. The response you provide will not be used as the basis for any employment decision affecting you.

15. Q: Why does the University ask applicants to designate their disability status?

A: The disability status question is required of federal government contractors as part of changes to federal regulations effective in March 2014. The disability information you provide will not be used as the basis for any employment decision affecting you.

16. Q: Why does the University ask applicants to designate their protected veteran status?

A: Under federal regulations, the University must reach out to, hire, and provide equal opportunity to qualified protected veterans. Applicants are invited to self-identify their protected veteran status to help us measure the effectiveness of outreach and recruitment efforts. The response you provide will not be used as the basis for any employment decision affecting you.

17. Q: What is included in the veteran self-identification options?

A: Federal regulations require Government contractors to take affirmative action to employ and advance in employment: (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans, (4) Armed Forces service medal veterans; and (5) Vietnam Era Veterans. Applicants are given three options for responses: “Yes, I identify as one or more of the classifications of protected veterans listed above”; “No, I am not a protected veteran”; and “I don’t wish to answer.”

Definitions of the current government-provided designations for federal reporting are as follows:

- A “disabled veteran” is one of the following: a veteran of the U.S. military, ground, naval or air service 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 Secretary of Veterans Affairs; or a person who was discharged or released from active duty because of a service-connected disability.
- A “recently separated veteran” means any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval, or air service.
- An “active duty wartime or campaign badge veteran” means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.
- An “Armed forces service medal veteran” means a veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

- Vietnam Era Veteran means a person who:
 1. Served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred: a. in the republic of Vietnam between February 28, 1961, and May 7, 1975; or b. between August 5, 1964, and May 7, 1975, in all other cases; or
 2. Was discharged or released from active duty because of a service-connected disability, if any part of such active duty was performed: a. in the republic of Vietnam between February 28, 1961, and May 7, 1975; or b. between August 5, 1964, and May 7, 1975, in all other cases.

18. Q: How were the questions regarding gender identity and sexual orientation selected?

A: In 2012, the UC Office of the President (UCOP) convened the UC Task Force & Implementation Team on Lesbian, Gay, Bisexual and Transgender Climate & Inclusion (the LGBT Task Force). The LGBT Task Force was composed of UC students, faculty, and staff as well as members of community groups including BiNet USA, Center of Excellence for Transgender Health, the Williams Institute, and the San Francisco Human Rights Commission. The LGBT Task Force was specifically charged with providing recommendations for the implementation of California Assembly Bill 620, which requests that the University of California allow faculty, staff, and students to voluntarily identify their sexual orientation, gender identity, and gender expression on any forms used to collect other aggregate demographic data. Meeting this legislative request will provide UC with meaningful population data to guide the use of resources and other support.

The question regarding gender was selected by the LGBT Task Force following a protocol for gender identity data collection practices adopted by other organizations, including the Center for Excellence for Transgender Health and the U.S. Centers for Disease Control and Prevention.

The question regarding sexual orientation was selected by the LGBT Task Force following a protocol developed by researchers at the National Center for Health Statistics.

Since implementation of the initial LGBT Task Force recommendations, terminology and best practices have changed. A cross-organizational workgroup was developed to ensure that the self-identification questions were up-to-date and consistent across all UC systems. Following consultation from select stakeholders, various UC systems had to be reprogrammed and the self-identification questions were modified throughout the process.

19. Q: Why do we want to know the sexual orientation and gender identity of our applicants?

A: Because we value inclusion and diversity, it is important that we continue to have a culture that appreciates and welcomes a diverse workforce. Collection of this data not only aligns

with our vision, values, and nondiscrimination policies, it also facilitates a common way to identify our diverse workforce and helps to ensure we have the most accurate data to implement appropriate diversity and inclusion programs.

20. Q: What concerns may applicants have about self-identifying, and how can we support them?

A: Although the Equal Employment Opportunity Commission (EEOC) has previously expressed that Title VII's prohibition of sex discrimination as forbidding any employment discrimination based on gender identity or sexual orientation, state laws vary on the level of protection afforded to LGBTQ individuals. Because of this, some applicants may not feel comfortable providing this information.

For reporting purposes, some gender identity categories may only have small numbers in the data due to the small number of applicants. Showing small numbers in aggregations potentially compromises confidentiality and could expose individual gender identity when individuals have not specifically chosen to do so. UC Recruit will employ roll-ups to report gender in most cases. Roll-ups provide a means to aggregate the data to allow for meaningful analysis without individual responses. For example, for federal Affirmative Action Plan reporting, if an applicant chooses "Female" or "Trans Female/Trans Woman" then the gender will be rolled up as "Female". If an applicant chooses "Genderqueer", "Nonbinary Gender", "Different Identity" or "No Response/Decline to State" then the gender will be rolled up to "Unknown".

It is important that applicants understand that the University of California prohibits discrimination against or harassment of any person employed by or seeking employment with the University on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, gender transition status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristic), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services, including protected veterans.

The University of California is an equal opportunity employer. In compliance with the Office of Federal Contract Compliance Programs requirements, the University undertakes affirmative action to assure equal employment opportunity for underrepresented minorities, women, individuals with disabilities, and protected veterans. University policy is intended to be consistent with the provisions of applicable state and federal laws.

In addition, this data will be treated as restricted data and will be protected under University policies applicable to restricted data: <https://security.ucop.edu/resources/policies.html>.

21. Q: What if an applicant has questions about this process?

A: All applicants may contact the local Equal Employment Opportunity/Affirmative Action office on the campus that they are applying to. This link provides a listing of EEO/AA offices across the UC system: <https://ucnet.universityofcalifornia.edu/contacts/eeo-aa-da-contact-list.html>.

22. Q: Where can I learn more about self-identification of race/ethnicity, veteran, and disability status?

- <https://www.dol.gov/ofccp/regs/compliance/directives/dir283.htm>
- https://www.dol.gov/ofccp/regs/compliance/faqs/vevraa_faq.htm
- https://www.dol.gov/ofccp/regs/compliance/faqs/503_faq.htm

23. Q: Where can I learn more about LGBTQ self-identification?

- <https://www.hrc.org/>
- <https://outandequal.org/>
- https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB179
- <https://www.eqca.org/>
- <https://transequality.org/>
- <https://outandequal.org/best-practices-for-non-binary-inclusion-in-the-workplace/>
- <https://transgenderlawcenter.org/archives/category/california>