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To: CSU Presidents 

From: Jackie R. McClain
Vice Chancellor
Human Resources

Subject: Employee Race and Ethnicity Identification

The California State University (CSU) has an obligation to maintain records on the racial and ethnic background of its employees. However, racial and ethnic identification by employees is voluntary. While current regulations allow visual identification of the race or ethnicity of employees who do not select a group, this practice may be offensive to many employees. Therefore, if employees decline to select a racial or ethnic category, the CSU should not attempt to visually identify their race or ethnicity.

The CSU has an obligation to report employees within ethnic categories provided by Federal and State government agencies and we will fulfill this obligation by reporting only the ethnic code that employees designate. Effective immediately, the ethnic code "Z" is available to use for employees who do not self-identify a racial or ethnic group. This code should be entered into the State Controller's Office Personnel Information Management System (PIMS). For reference, we have provided the following attachments:

- A: Summary of Regulations Governing the Collection and Reporting of Ethnic Data
- B: List of current ethnic codes

If you have any questions, please contact Maria Santos at (562) 951-4425. This memorandum is available at <http://www.calstate.edu/HRAdm/memos.shtml>.

JRMcm/kr

Attachments

Distribution:

Chancellor
Vice Presidents, Administration
Human Resources Directors
Associate VP's/Deans of Faculty Affairs
Benefit Officers
Payroll Managers
SOSS Director
EEO Directors

Summary of Regulations Governing the Collection and Reporting of Ethnic Data

The reporting of ethnic data to the Federal Government by institutions of higher education is governed by Title VII of the Civil Rights Act of 1964. Title VII created the Equal Employment Opportunity Commission and established the ground work as to who is governed by the Act and who is protected by the Act. Section 709(c) of the Civil Rights Acts states in part:

Every employer... shall (1) make and keep such records relevant to the determination of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulations...

More directly, the reporting of ethnic data is governed by the rules promulgated by the Commission, as follows:

Section 1602.13 of the EEOC Regulations states in full:

Records as to the racial or ethnic identity of employees.

Employers may acquire the information necessary for the completion of Items 5 and 6 of Report EEO-1 either by visual surveys of the workforce, or at their option, by the maintenance of post-employment records as to the identity of employees where the same is permitted by State law. In the latter case, however, the Commission recommends the maintenance of a permanent record as to the racial or ethnic identity of an individual for purpose of completing the report form only where the employer keeps such records separately from the employee's basic personnel form or other records available for those responsible for personnel decisions, e.g., as part of an automatic data processing system in the payroll department. (31 FR 2833, Feb. 17, 1966)

In other words, the burden of identifying employees is solely that of the employer and the information so obtained has strictly limited use.

Regarding the reporting of employment data by higher education institutions to the Commission, the Commissions regulations say, in Section 1602.50:

On or before November 30, 1975, and biennially thereafter, every public and private institution of higher education having fifteen (15) or more employees shall file with the Commission of its delegate executed copies of Higher Education Staff Information Report EEO-6 in conformity with the directions set forth in the form and accompanying instructions. (40 FR 25189, June 12, 1975)

The 2001 instructions booklet for the Integrated Postsecondary Education Data System (IPEDS) Fall Staff Survey, which has replaced the EEO-6 report, includes the following statement regarding race/ethnic identification:

Method of collection - The manner of collecting racial/ethnic information is left to the discretion of the institution, provided that the system that is established results in reasonably accurate data which may be replicated by others when the same documented system is utilized. An employer may acquire the racial/ethnic information necessary for this section either by visual survey of the work force or from post-employment records.

Assignment to categories – For the purpose of this report, an individual may be included in the group to which he or she appears to belong, identifies with or belongs in the eyes of the community. A person may be counted in only one group.

[...]

Race/ethnicity unknown – This category is used ONLY if the employee did not select a racial/ethnic designation, AND the postsecondary institution finds it impossible to place the employee in one of the aforementioned racial/ethnic categories.

In view of the above, it is clear that employees cannot be required to select an ethnic group with which to identify. However, the employer has an obligation to report employees within the categories provided by the Federal government's form. The CSU will fulfill that obligation by reporting only the ethnic code that employees designate. If employees do not designate an ethnic group, we will code them as "other" or "impossible to determine," and report them that way.

Item 445 – Ethnic Origin

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A one-character code that identifies the employee's ethnicity.

Coding:

ETHNIC GROUP	RACE/ETHNICITY	ALPHA CODE	NUMERIC CODE*
Black	African	F	1
Asian	Japanese	I	2
	Chinese	J	
	Korean	K	
	Vietnamese	L	
	Asian Indian	M	
	Cambodian	U	
	Laotian	V	
	Other	S	
Other Non-White	Other Non-White	X	3
Hispanic	Mexican / Mexican- American / Chicano	A	4 or 9 (9 was discontinued 07/01/1993)
	Puerto Rican	B	
	Cuban	C	
	Other	D	
Caucasian	Indo-European	E	5
Pacific Islander	Hawaiian	P	6
	Samoan	Q	
	Guamanian/Chamorro	R	
	Other	T	
American Indian	American Indian	H	7
	Aleut	O	
	Eskimo	N	
Filipino	Filipino	G	8
Not Stated	Unknown	Z	

Example	If employee self identifies as Cuban, enter 'C'.
Audits	When adding an additional position to the database (Item 450 = 4), the system provides this data element.
Additional Information	<ul style="list-style-type: none"> ▪ Effective 07/01/1993, alpha codes were implemented for employee self-identification purposes. Asian and Hispanic employees previously identified by a numeric code were converted to an alpha code. ▪ Effective 02/2002, 'Z' is used for employees who decline to identify their ethnicity. ▪ Effective 02/2002, the designation for Laotian was changed from 'Y' to 'V' to parallel the State's civil service ethnic codes. <p>*Numeric codes were used to identify employees hired prior to 07/01/1993. These codes remain valid for active employees hired prior to 07/01/1993 with no break in service. Numeric codes were also used by departments for identification purposes until 02/2002.</p>