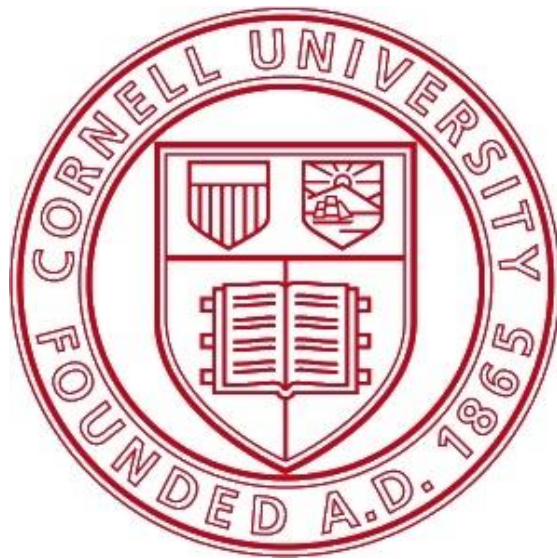# CORNELL UNIVERSITY

GUIDE FOR IDENTIFYING EMPLOYEE RACE/ETHNICITY

DEPARTMENT OF INCLUSION AND WORKFORCE DIVERSITY

FEBRUARY 14, 2017

GUIDE FOR IDENTIFYING EMPLOYEE RACE/ETHNICITY

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What is Our Obligation?

As a federal contractor, Cornell University is required to comply with Executive Order 11246, which calls for equal employment opportunity and prohibits discrimination on the basis of certain protected statuses. In order to satisfy this executive order and the associated regulations, Cornell must Solicit demographic information from employees. Specifically, Cornell must have a record of race and ethnicity for each employee. (see 41 CFR 60-1.12(c)(1)(i), Appendix A).

Additionally, as an institution, Cornell is committed to leveraging the diversity in our workforce to achieve excellence. Accordingly, composition is one of the four pillars of Toward New Destinations, our institutional framework for diversity and inclusion. In order to fulfill our institutional goal, collecting demographic information enhances our ability to make and measure our progress.

How Do We Collect Race and Ethnicity Information?

Employee Self-Identification

Self-identification is based on how an employee defines themselves and is the best and preferred means for collecting race and ethnicity data. This is completely voluntary and therefore it is an employee's right to choose not to identify. Employees are asked for this information twice- once during the applicant stage of hiring and a second time after an offer has been extended, but prior to their first day of work.

Employer Observation

Because an employee may not have self-identified during either of the two voluntary opportunities, federal guidance allows employers to use employment records and/or visual observation as a last resort.

How to Make a Race/Ethnicity Determination

Step 1: Check the Record
Step 2: Follow Up with the Employee
Step 3: Make a Race and Ethnicity Determination

STEP 1:   Check the Record

Ideally, when an employee is hired, someone should review the new hire information and check to see whether the new employee self-identified race and ethnicity. Each college/unit should designate a person to review and identify race and ethnicity. Designating a single person for this allows for more consistency across determinations. Alternatively, if this is not practical, multiple people can be charged with this task. Keep in mind, the review of race and ethnicity can and should be imbedded into your regular practices. If you already have someone who reviews new hire information, this person is well positioned to review race/ethnicity. If the employee self-identified, we have met our obligation and no further action is necessary. If the employee did not self-identify, proceed to Step 2.

STEP 2: Follow Up With the Employee

It is entirely appropriate to follow-up with an employee to find out whether the employee is choosing not to self-identify or whether they simply are overlooking the question. Remember, self-identification is voluntary so an employee has the right to decline the invitation to self-identify. Here is a sample script you might consider using when following up with an employee.

> *"Good morning/afternoon (employee name), I was just reviewing your new hire information to ensure it was complete and noticed you have not identified your race/ethnicity yet. Since Cornell is a federal contractor, we are required to have a race/ethnicity indicated in every employee's employment records. Our preferred method of doing this is to ask an employee to self-identify – though this request is completely voluntary. We wanted to give you an opportunity to do this now. Would you like to self-identify?"*

If the employee answers "Yes," say:

> *"You can either share this with me now or go directly into Workday to update this yourself. Which would you prefer?"*

Note: If they choose to verbally tell you their race and ethnicity (both are required), you should record the date/time of the conversation and enter the information into Workday for the employee. If the employee chooses to enter the information themselves, you should explain how to get to the race and ethnicity fields in the personal information section in Workday. You should also set a date to re-check the record and confirm the employee did in fact update their race and ethnicity in Workday. If they did, you are all set. If they did not, proceed to Step 3.

If the employee answers "No," say:

> *"Not a problem. Since federal regulations require we have this information in every employee's record, we will do our best to make a determination on your behalf."*

STEP 3: Make a Race and Ethnicity Determination

Assigning a race/ethnicity to an individual is a somewhat arbitrary exercise as these are not scientific or anthropological categories. Given the emotionally charged feelings and deep beliefs that many people have concerning race and ethnicity, your job as an identifier is to assign the race and ethnicity categories for an employee to the best of your ability. It is important that you are consistent in your approach, and that you make your determination objectively. (Source: Managing an Identity Crisis: Forum Guide to Implementing New Race and Ethnicity Categories, National Forum on Educational Statistics).

Sources and Indicators of Race/Ethnicity

To determine race/ethnicity, you should use:

- (a) existing employment information (primarily); and
- (b) visual observation (secondarily)

When making a determination using existing employment information, review sources including, but not limited to the following and look for potential indicators of race/ethnicity such as those indicated below:

Sources	Potential Indicators
• Resume/CV	• the employee's country of birth or country of origin
• Cornell-related sites (e.g. for faculty and academic staff, their department website and/or VIVO)	• the employee's home language of preference
• LinkedIn	• The employee's current or past affiliation with groups, organizations or associations
• management (e.g. information the employee shared with their supervisor)	

Drawing Inferences from Potential Indicators

National Origin

In general, federal requirements connect race and geographic/national origin. For example, "White" is defined to include people who originate from Europe, the Middle East, and North Africa. Therefore, if you know an employee's geographic or national origin, you may be able to infer their race. Though not an exhaustive list, the following chart may help in connecting geographic/national origin with a race:

If an individual considers themselves to be:	...or comes from one of the following countries or regions:	...and assuming single-race, the individual may be identified as:
European American	*Northern Europe* such as: Britain (Scotland, Ireland, Wales) Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden *Western Europe* such as: Belgium, France, Holland, Luxembourg *Central Europe* such as: Austria, Czech Republic, Germany, Hungary, Poland, Slovakia, Switzerland *Eastern Europe* such as: Belarus, Bulgaria, Romania, Russia, Ukraine *Southern Europe* such as: Bosnia, Catalonia, Croatia, Cyprus, Greece, Italy, Macedonia, Malta, Montenegro, Portugal, Serbia, Slovenia, Spain *Other* such as: Caucasus, Armenia, Georgia, Azerbaijan	White
Middle Eastern American	Afghanistan, Egypt, Israel, Iraq, Jordan, Lebanon, Palestine, Saudi Arabia, Syria, Turkey, Yemen	White
North African American	Algeria, Egypt, Morocco	White
Black, African American, Afro-American	Bahamas, Barbados, Botswana, Ethiopia, Haiti, Jamaica, Liberia, Madagascar, Mozambique, Namibia, Nigeria, Nigriti, South Africa, Sudan, Tobago, Trinidad, West Indies, Zaire	Black
Asian American	Asian Indian, Bangladesh, Bhutan, Burma, Cambodia, China, Taiwan, Philippines, Indonesia, Japan, Korea, Laos, Malaysia, Mongolia, Nepal, Okinawa, Pakistan, Singapore, Sri Lankan, Thailand, Vietnam; or ancestry groups such as Hmongs, Mongolians, Iwo Jiman, Maldivian	Asian

If an individual considers themselves to be:	...or comes from one of the following countries or regions:	...and assuming single-race, the individual may be identified as:
Pacific Islander	Caroline Islands, Fiji, Guam, Hawaiian Islands, Marshall Islands, Papua New Guinea, Polynesia, Samoa, Solomon Islands, Tahiti, Tarawa Islands, Tonga	Pacific Islander
Australian or New Zealander – not an indigenous person	Australia, New Zealand	White
Aborigine, Indigenous Australian, Torres Straits Islander, Melanesian	Australia, New Zealand, Torres Straits Islands	Pacific Islander

Languages

Languages can be an indication of an individual's race and ethnicity. Of the more than 5,000 languages and dialects spoken in the world, these are the ten most common ones and their probable "race/ethnicity" designations:

If an individual's native or home language is:	He/she is likely:	Therefore...
Chinese	Asian	
Hindi (India)	Asian	
English	White	Check "country of birth or origin" (as the language is also used in U.S. Virgin Islands)
Spanish	Hispanic, with one or more of any racial categories	Check "country of birth or origin"
Bengali (India and Bangladesh)	Asian	
Portuguese	White, Black, or Asian. *Note that Portuguese-speaking groups are not considered Hispanic.*	Check "country of birth or origin" (as the language is used in South American countries such as Brazil, Asian countries such as Macao, or the Caribbean)
Russian	White	
Japanese	Asian	
German	White, some could be Hispanic in ethnicity	Check "country of birth or origin" (as the language is spoken by a few in South America and South Africa)
Korean	Asian	

Affiliations

Sometimes, the names of groups, organizations or associations expressly include or suggest race/ethnicity. For example, the Association of Latino Professionals for America, Asian pacific Americans in Higher Education, or the NAACP. In some cases, the reference to a particular race indicator may be unfamiliar to you. For instance, a resume that indicates the employee is a graduate of Turtle Mountain Community College may indicate American Indian race because this college is a tribal college associated with the Turtle Mountain Band of Chippewa. It is not expected that you will recognize every potential affiliation as a potential race/ethnicity indicator.

Though not exhaustive, the following is a list of American Indian and Alaska Native tribes or self-descriptions an employee may use that may help in your determination:

American Indian Tribes				
Abenaki	Algonquian	Apache	Arapahoe	Arikara
Assiniboine	Assiniboine Sioux	Bannock	Blackfeet	Brotherton
Burt Lake Band	Caddo	Cahuilla	California Tribes	Canadian and Latin American
Catawba	Cayuse	Chehalis	Chemakuan	Chemehuevi
Cherokee	Cherokee Shawnee	Cheyenne	Cheyenne-Arapaho	Chickahominy
Chickasaw	Chinook	Chippewa	Chippewa Cree	Chitimacha
Choctaw	Choctaw-Apache	Chumash	Clear Lake	Coeur D'Alene
Coharie	Colorado River Indian	Colville	Comanche	Coos, Lower Umpqua, and Siuslaw
Coos	Coquille	Costanoan	Coushatta	Cowlitz
Cree	Creek	Croatan	Crow	Cumberland
Cupeno	Delaware	Diegueno	Eastern Tribes	Esselen
Fort Belknap	Three Affiliated Tribes of North Dakota	Fort McDowell	Fort Hall	Gabrieleno
Grand Ronde	Guilford	Gros Ventres	Haliwa-Saponi	Hidatsa
Hoopa	Hoopa Extension	Indians of Person County	Iroquois	Juaneno (Acjachemem)
Kalispel	Karuk	Kaw	Kickapoo apoo	Kiowa
S'Klallam	Klamath	Konkow	Kootenai	Lassik
Long Island	Luiseno	Lumbee	Lummi	Maidu
Makah	Maliseet	Mandan	Mattaponi	Menominee
Metrolina	Miami	Miccosukee	Micmac	Mission Indians
Miwok	Me-Wuk	Modoc	Mohegan	Monacan
Miwok	Me-Wuk	Modoc	Mohegan	Monacan
Mono	Nanticoke	Nanticoke Lenni-Lenape	Narragansett	Navajo

Nez Perce	Nipmuc	Nomlaki	Northwest Tribes	Omaha (Umo N Ho N)
Oneida Tribe	Oregon Athabaskan	Otoe-Missouria	Ottawa	Paiute
Pamunkey	Passamaquoddy	Pawnee	Penobscot	Peoria
Pequot	Pima	Piscataway	Pit River	Pomo and Pit River Indians
Pomo	Ponca	Potawatomi	Powhatan	Pueblo
Puget Sound Salish	Quapaw	Quinault	Rappahannock	Reno-Sparks
Round Valley	Sac and Fox	Salinan	Salish	Salish and Kootenai
Schaghticoke	Seminole	Serrano	Shasta	Shawnee
Shinnecock	Shoalwater Bay	Shoshone	Te-Moak Tribes of Western	Shoshone Indians of Nevada
Sioux (Lakota, Dakota, Nakota)				
Paiute-Shoshone	Siletz	Siuslaw	Spokane	Stockbridge-Munsee
Tohono O'Odham	Tolowa	Tonkawa	Trinidad	Tygh
Umatilla	Umpqua	Wailaki	Walla-Walla	Wampanoag
Warm Springs	Wascopum	Washoe	Wichita	Wind River
Winnebago	Wintun	Wintun-Wailaki	Wiyot	Yakama
Yakama Cowlitz	Yaqui	Yavapai Apache	Yokuts	Yuchi
Yuman	Yurok			
Alaska Native Tribes				
Alaska Native	Alaska Indian Tribes	Alaska Indian	Alaska Native	Alaskan Athabascans
Tlingit-Haida	Tsimshian	Sealaska	Southeast Alaska	Eskimo Tribes
Greenland Eskimo	Inuit	Inupiat Eskimo	Siberian Eskimo	Cupiks Eskimo
Yup'ik	Aleut Tribes	Aleut	Alutiiq Aleut	Bristol Bay Aleut
Chugach Aleut	Eyak	Koniag Aleut	Sugpiaq	Suqpigaq
Unangan Aleut				

DEFINITION OF RACE AND ETHNIC CATEGORIES USED FOR FEDERAL REPORTING

Ethnicity

Hispanic/Latino

A person of Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race.

An employee may volunteer his or her ancestry rather than answering "yes" to the Hispanic/Latino ethnicity question. The following is a list of ancestry groups that fall under the category Hispanic:

Spaniard	Andalusian	Asturian	Castillian	Catalonian
Balearic Islander	Gallego	Valencian	Canary Islander	Mexican
Mexican American	Mexicano	Chicano	La Raza	Mexican American Indian
Mexican State	Costa Rican	Guatemalan	Honduran	Nicaraguan
Panamanian	Salvadoran	Central American	Canal Zone	Argentinean
Bolivian	Chilean	Colombian	Ecuadorian	Paraguayan
Peruvian	Uruguayan	Venezuelan	Criollo	South American
Latin American	Latino	Puerto Rican	Dominican	Hispanic
Spanish	Californio	Tejano	Nuevo Mexicano	Spanish American
Cuban				

Race

American Indian or Alaska Native

A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian

A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American

A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander

A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White

A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Two or more races

A person having two or more of the above origins.

Note: Race/ethnic designations as used by the U.S. Equal Employment Opportunity Commission (EEOC) do not denote scientific definitions of anthropological origins.

For Questions and Assistance

If you are uncomfortable in making a specific race/ethnicity identification or need further assistance, please do not hesitate to contact the Department of Inclusion and Workforce Diversity

Email owdi@cornell.edu.
Phone (607)255-3976

Appendix A: 41 CFR Part 60-1 Obligation to Solicit Race and Gender Data for Agency Enforcement Purposes

§ 60-1.12

Record retention

(a) General requirements.

Any personnel or employment record made or kept by the contractor shall be preserved by the contractor for a period of not less than two years from the date of the making of the record or the personnel action involved, whichever occurs later. However, if the contractor has fewer than 150 employees or does not have a Government contract of at least $150,000, the minimum record retention period shall be one year from the date of the making of the record or the personnel action involved, whichever occurs later. Such records include, but are not necessarily limited to, records pertaining to hiring, assignment, promotion, demotion, transfer, lay off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, and other records having to do with requests for reasonable accommodation, the results of any physical examination, job advertisements and postings, applications, resumes, and any and all expressions of interest through the Internet or related electronic data technologies as to which the contractor considered the individual for a particular position, such as on-line resumes or internal resume databases, records identifying job seekers contacted regarding their interest in a particular position (for purposes of recordkeeping with respect to internal resume databases, the contractor must maintain a record of each resume added to the database, a record of the date each resume was added to the database, the position for which each search of the database was made, and corresponding to each search, the substantive search criteria used and the date of the search; for purposes of recordkeeping with respect to external resume databases, the contractor must maintain a record of the position for which each search of the database was made, and corresponding to each search, the substantive search criteria used, the date of the search, and the resumes of job seekers who met the basic qualifications for the particular position who are considered by the contractor), regardless of whether the individual qualifies as an Internet Applicant under 41 CFR 60-1.3, tests and test results, and interview notes. The term "personnel records relevant to the complaint," for example, would include personnel or employment records relating to the complainant and to all other employees holding positions similar to that held or sought by the complainant and application forms or test papers submitted by unsuccessful applicants and by all other candidates for the same position as that for which the complainant unsuccessfully applied. Where a compliance evaluation has been initiated, all personnel and employment records described above are relevant until OFCCP makes a final disposition of the evaluation.

(b) Affirmative action programs.

A contractor establishment required under § 60-1.40 to develop and maintain a written affirmative action program (AAP) must maintain its current AAP and documentation of good faith effort, and must preserve its AAP and documentation of good faith effort for the immediately preceding AAP year, unless it was not then covered by the AAP requirement.

(c) Contractor identification of record.

    (1) For any record the contractor maintains pursuant to this section, the contractor must be able to identify:

        (i) The gender, race, and ethnicity of each employee; and

(ii) Where possible, the gender, race, and ethnicity of each applicant or Internet Applicant as defined in 41 CFR 60-1.3, whichever is applicable to the particular position.

(2) The contractor must supply this information to the Office of Federal Contract Compliance Programs upon request.