



INDIANA UNIVERSITY SOUTH BEND

AFFIRMATIVE ACTION  
PLAN FOR PEOPLE WITH  
DISABILITIES

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## I. INTRODUCTION

### A. Preface

IU South Bend is fully committed to the concept and practice of equal opportunity and affirmative action in all aspects of employment. Consequently, the administration of IU South Bend has prepared this voluntarily written affirmative action compliance plan in conformance with Section 503 Rehabilitation Act of 1973 (29 U.S.C 701 et seq., as amended), and its implementing OFCCP regulations found in 41 CFR 60-741.

In the preparation of this written affirmative action compliance plan, the terminology of OFCCP's implementing regulations, as set forth in the Code of Federal Regulations, has been used as a guide. This terminology should not be construed as an admission by IU South Bend that it has violated in the past or is now violating any federal, state, or local fair employment practices law or regulations.

**B. Equal Employment Opportunity Policy Statement for the Disabled**

It is the policy of IU South Bend not to discriminate on the basis of a physical or mental disability with respect to recruitment, hiring, training, promotion and other terms and conditions of employment, provided the individual is qualified to perform the work available. Further, it is the policy of IU South Bend to comply voluntarily with the concepts and practices of affirmative action. Accordingly, all employment decisions shall be consistent with the principles of equal employment opportunity and affirmative action, and only job qualification requirements will be considered for such decisions.

It is the goal of the University to identify and eliminate all employment practices related to job performance which have not been clearly established, and which have an adverse impact on people with disabilities. All personnel actions or programs such as compensation, benefits, transfers, layoffs, returns from layoff, company-sponsored training, education, tuition assistance, social and recreational programs will be administered in a non-discriminatory manner with respect to physical and mental disability, provided the individual is qualified to perform the essential functions of the position in question.

**C. Definitions**

1. An "individual with a disability" is any person who:
  - a. has a physical or mental impairment which substantially limits one or more of such person's major life activities,
  - b. has a record of such impairment, or
  - c. is regarded as having such an impairment.
2. An individual with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability.
3. A "qualified individual with a disability" is an individual with a disability who is capable of performing the essential functions of a particular job, with or without reasonable accommodations to his or her disability.

**D. Responsibility for Affirmative Action**

Affirmative action for the disabled is the responsibility of every manager and supervisor at IU South Bend. However, the primary operational responsibility for coordinating the University's efforts rest with the

Affirmative Action Officer and the Director of Human Resources. These two administrators are also responsible for communicating the University's commitment to local, state, and national organizations serving the needs of the disabled.

The Director of Affirmative Action is responsible for the implementation and monitoring of the "Affirmative Action Compliance Program for People with Disabilities." In carrying out this responsibility, she shall:

- develop policy statements, the affirmative action program, and modes of internal and external communication;
- identify, in conjunction with line management, problem areas in implementing the affirmative action program, and develop solutions including possible modes of accommodation;
- serve as liaison between the University and enforcement agencies, and between the University and organizations of and for handicapped persons, and encourage the active involvement by University representatives in the community service programs of local organizations of and for the disabled;
- keep management informed of the latest developments in the entire affirmative action area regarding the handicapped; and
- ensure that the facility is in compliance with the relevant laws and regulations.

## **II. REQUIRED ACTIONS**

### **A. Invitation to Disabled Applicants and Employees**

All applicants and employees who believe themselves to be covered by the Rehabilitation Act of 1973 (29 U.S.C. Section 701, et seq.), and who wish to identify themselves as disabled for the purpose of affirmative action and proper job placement, will be invited to do so. This invitation is extended as a part of the "IU South Bend Applicant Monitoring Form" ("AMF") and the "Employee Personal Data Form".

Persons identifying themselves for coverage under this affirmative action program are asked to describe any special accommodations which are necessary to enable them to perform successfully and safely on the job, including special equipment required, change in the physical layout of the job, and/or the elimination of certain nonessential job duties.

Self-identification is voluntary and refusal to do so does not subject the person to discharge, disciplinary actions, or other adverse treatment. Any information obtained concerning individuals is kept confidential except that (a) supervisors are informed regarding restrictions on the duties of disabled individuals, (b) first aid and safety personnel are informed, when

and to the extent appropriate, if the condition might require emergency treatment, and (c) government officials investigating institutional compliance with the Act are informed.

**B. Proper Consideration of Qualifications**

IU South Bend's personnel procedures will continue to be reviewed to see that they ensure careful, thorough and systematic consideration of the job qualifications of known covered disabled applicants and employees for job vacancies and for all training opportunities. The following are the procedures that will be used to assure such considerations.

- With respect to each known disabled applicant, records will be maintained identifying each vacancy for which the applicant was considered, and will be available for review.
- The personnel records of each known disabled employee will include identification of each promotion and each training program for which such employee is considered.
- Where applicable, records will be maintained for each known disabled employee or applicant containing a statement of reasons why that person may have been rejected for promotion, training or employment, including a comparison of the disabled employees or applicant to the person(s) selected, as well as a description of the accommodations considered.
- The personnel record or application form will contain a description of any accommodation made which has permitted a disabled employee or applicant to be placed in a job.
- All personnel data described above will be considered confidential information.

**C. Physical and Mental Qualifications**

All physical and mental job qualifications will be reviewed to assure that to the extent they screen out qualified disabled individuals, they are job-related and consistent with business necessity and the safe performance of the job.

**D. Medical Evaluations/Confidentiality**

The University has the right to conduct pre-employment medical evaluations under lawful circumstances. Where medical evaluations are given to those who indicate they are disabled, the result of those evaluations with respect to the disabled person will be used only in accordance with the regulations. Inquiries into the physical or mental condition of applicants or employees prior to employment or prior to change in employment status, and the information obtained from such

inquiries or medical evaluations, are kept in strict confidence except as provided in the regulations.

**E. Reasonable Accommodations**

Whenever a job vacancy is posted, or a significant change in job duties occurs, job descriptions will be reviewed to clearly articulate the essential functions. The results of the review will be considered with respect to employment decisions involving disabled employees and applicants.

Reasonable accommodations for mentally and/or physically impaired individuals are determined in consultation with the affected employee, line management, rehabilitation counselors/specialists. In determining the reasonableness of possible accommodations, the factors of business necessity and financial cost and expense will be considered among others. However, the primary consideration governing an accommodation will be whether, given the disability, the person is qualified to perform the essential functions of the position in question. The Affirmative Action Officer cooperates with the Coordinator of Disabled Student Services and the Department of Human Resources to ensure appropriate services are provided to persons with disabilities.

The University seeks the cooperation of the State Division of Vocational Rehabilitation in removing barriers to the employment of mentally and/or physically impaired individuals. The Department of Human Resources lists all staff vacancies with this state agency as well as concurrently with all other recruitment sources.

**F. Compensation**

The amount of compensation offered to disabled applicants and employees will not be reduced because of any disability income, pension or other benefits the handicapped applicant or employee may receive from other sources.

Employment records and salary profiles of self-identified disabled persons are analyzed to ascertain their representation by organizational units, and to identify salary and rank differentials between them and other employees.

**G. Outreach, Recruitment and External Dissemination of Policy**

The University's employment practices will be reviewed to determine whether personnel programs provide the necessary affirmative action for the employment and advancement of qualified disabled individuals. Positive outreach and recruitment activities will be instituted as follows.

- The Affirmative Action Officer will periodically review personnel procedures to ensure that this affirmative action program is being fully implemented.
- The University will contact recruiting sources such as employment and training agencies, state vocational rehabilitation agencies and appropriate educational institutions participating in the training of the handicapped, to assist it in recruiting qualified disabled persons.
- The University will establish contacts with appropriate social service agencies, organizations of and for the disabled, and similar groups for the purpose of obtaining advice, technical assistance for assessing proposed accommodations, and the referral of potential employees.
- Human Resources will identify qualified known disabled individuals whose potential skills are not being fully used or developed.
- Whenever employees are pictured in consumer, promotional, or help-wanted advertising, the University will make every effort to include disabled workers.
- The University will notify all subcontractors, vendors, and suppliers as to its policy regarding the disabled to advise them of their responsibilities under Section 503 of the Rehabilitation Act of 1973, and will request appropriate actions on their part.
- Union officials of AFSCME local 1477-01 will be informed of the University's affirmative action policy and their full cooperation will be sought in the recruitment, employment, and training of disabled individuals. The provisions of all union agreements are reviewed to ensure that they are nondiscriminatory.

#### **H. Internal Dissemination of Policy**

The internal dissemination of the affirmative action compliance program and the University's policy has been or will be implemented in the following manner.

- The University will communicate internally to all its employees, its obligations to take affirmative action to employ qualified disabled individuals, in such a way as to ensure understanding, acceptance, and support.
- All employees have been notified of IU South Bend's policy pertaining to the handicapped by the posting of the policy on all employee bulletin boards.
- The policy, its intent, and the individual responsibilities of management personnel will be communicated and explained to such personnel in special meetings for this purpose.
- This written affirmative action compliance program is available for inspection by any employee or applicant upon request.



## **I. Disability Advisory Committee**

In 2002 upon the request of the Vice Chancellor for Academic Affairs, the ADA Committee which dealt primarily with ADA facilities issues, was expanded to include a group dealing with programs and services for the disabled to form the Disability Advisory Committee ("DAC"). DAC is a campus-wide committee charged with facilitating compliance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The Committee is comprised of representatives from specific offices having responsibility for various aspects of compliance. The Committee has broad representation from relevant campus areas including:

Disabled Student Services Staff	Director of Affirmative Action
Director of Safety and Security	Director of Campus Diversity
Director of Human Resources	Student Body Representative
Director of Facilities Management	Faculty Representative
Instructional Media Representative	Academic Advisors & Administrators

The group meets regularly throughout the year with the objective of providing disabled individuals with access to IU South Bend facilities, programs, and services. Accommodations and corrective actions are important priorities for the University system-wide. IU South Bend has a Project Priority List which has been put together over the years by a committee with broad representation from the campus. The goal of DAC is to continually monitor and identify new areas of concern, to prioritize needs, to place them on the Project Priority List, and to resolve problems relating to facilities, services, and programs as quickly as is feasible. The committee works proactively to provide state-of-the-art assistive technology and academic support services to meet the needs of the IU South Bend community.

## **III. DEVELOPMENT AND EXECUTION OF THE PROGRAM**

### **A. Implementation Process**

The University is committed to developing, executing and maintaining an effective affirmative action compliance plan. Special efforts taken to explain the intent of this policy and to elicit the support of the Chancellor, academic deans, directors, administrators, managers, and supervisory personnel. To assure the effectiveness of this plan, the University will institute the following procedures:

- All job qualification requirements will be made available to managers involved in the screening, selection and promotion process.

- The University will evaluate the total selection process to ensure that disabled individuals are not stereotyped in a manner that limits their access to jobs for which they are qualified.
- All personnel involved in recruitment, selection, and promotion will be carefully selected and trained with respect to equal employment and affirmative action for the disabled.
- The University will brief representatives of recruiting sources to explain job openings, employee specifications, and the University selection process.
- To the extent possible, the University will have a disabled person available for consultation, and include disabled people in such activities as career days and motivation programs.

**B. Internal Review Procedure**

The University maintains and utilizes an internal administrative review procedure whereby disabled employees can raise any issues or claims that may arise concerning their employment. The Affirmative Action Officer has the ultimate responsibility for handling inquiries and complaints from people with disabilities regarding request for accommodations and charges of discrimination.

The Department of Human Resources as well as the Affirmative Action Officer maintains an "open-door" policy and encourages employees to discuss issues and concerns. The availability of this internal procedure is communicated by the University to its employees. All matters brought to the attention of the Department of Human Resources or the Director of Affirmative Action Officer will be kept confidential.

**C. Monitoring and Reporting System**

It is the responsibility of the campus Director of Affirmative Action to monitor all employment and personnel practices in order to assure compliance with policies pertaining to the disabled. She reports specific problems to the employee responsible for the area and measures effective resolution of problems.

An annual report will be made to the IU South Bend Chancellor summarizing the status of any formal complaints alleging discrimination on the basis of a disability.

This affirmative action compliance program will be updated annually to ensure that it is current.

**D. Complaint Procedures**

Individuals who have complaints regarding the University's compliance with the requirements of the law should contact the Affirmative Action Office, Administration Building 248C, 1700 Mishawaka Ave, South Bend IN 46634. Phone: (574) 520-4384. Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution.