



INDIANA UNIVERSITY SOUTH BEND

AFFIRMATIVE ACTION  
PLAN FOR DISABLED  
VETERANS AND  
VETERANS OF VIETNAM  
ERA

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**I. INTRODUCTION**

**A. Preface**

IU South Bend is committed to the concept and practice of equal opportunity and affirmative action in all aspects of employment.

The administration of IU South Bend has prepared this voluntary, written affirmative action compliance plan for the employment of veterans of the Vietnam Era and Disabled Veterans in conformance with the Vietnam Era Veteran's Readjustment Assistance Acts of 1974, as amended (38 U.S.C. 4212, et seq.) and OFCCP's implementing regulations (41 CFR 60-250). The terminology of OFCCP's implementing 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 practice laws or regulations.

**B. Equal Employment Opportunity Policy Statement for Covered Veterans**

It is the policy of IU South Bend not to discriminate on the basis of an individual's status as a veteran of the Vietnam era or as a disabled veteran with regards to recruitment, hiring, training, promotion, and other terms and conditions of employment, provided the individual is qualified to perform the work available. The University will take affirmative action to employ and advance in employment, qualified disabled veterans and veterans of the Vietnam era.

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 disabled veterans and veterans of the Vietnam era. Consistent with the principles of equal opportunity, only job-related qualification requirements will be considered for promotion. All other personnel actions such as compensation, benefits, transfers, layoff, return from layoff, company-sponsored training, education, tuition assistance, and social/recreational programs will be administered in a non-discriminatory manner with respect to an individual's status as a veteran of the Vietnam era or as a disabled veteran, provided the individual is qualified to perform the essential functions associated with the position in question.

**C. Definitions**

1. A "special disabled veteran" is any person
  - a. who is entitled to compensation under laws administered by the Secretary of Labor for a disability
    - rated at 30% or more, or
    - rated at 10% or 20%, in the case of a veteran who has been determined to have a serious employment disability
  - b. whose discharge or release from active duty was due to service-connected disability.
  
2. A disabled veteran is a "qualified special disabled veteran" if he or she is capable of performing a particular job, with reasonable accommodation to his or her disability.
  
3. A "Veteran of the Vietnam-era" is a person
  - a. (1) who served on active duty for a period of more than 180 days any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge,  
(2) who was discharged or released from active duty due to a service-connected

disability between August 5, 1964 and May 7, 1975, or  
(3) who was a member of a reserve component under an order to  
active duty,  
served on active duty for more than 180 days and served in the  
Republic of Vietnam between February 28, 1961 and May 7, 1975.

- b. any part of whose active military, naval, or air service was during  
the Vietnam era.
4. An "other veteran" is a person who served during a period of war or in a  
campaign or  
expedition for which a campaign badge is authorized and was discharged  
or  
released from such duty with other than a dishonorable discharge.

#### **D. Responsibility of Affirmative Action**

Affirmative Action for veterans of the Vietnam era and disabled veterans (both  
groups hereinafter referred to as "covered veterans") is the responsibility of every  
manager and supervisor at IU South Bend. However, primary operational  
responsibility for coordinating the University's efforts rests with the Director of  
Affirmative Action and Director of Human Resources. These administrators  
communicate the University's commitment to local, state, and national  
organizations serving the needs of disabled veterans and veterans of the Vietnam  
era.

The Director of Affirmative Action is responsible for the implementation and  
monitoring of the "Affirmative Action Plan for Disabled Veterans and Vietnam  
Era Veterans." In carrying out this responsibility, she shall:

- develop policy statements, the affirmative action programs, 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 a liaison between the University and enforcement agencies, and  
between the University and organizations of and for covered veterans, and  
encourage the active involvement by University representatives in the  
community service programs of local organizations of and for covered  
veterans;
- keep management informed of the latest developments in the entire  
affirmative action area; and
- ensure that the facility is in compliance with the relevant laws and regulations.

## **II. REQUIRED ACTIONS**

### **A. Invitation to Applicants and Employees who are Vietnam Era Veterans or Disabled Veterans**

All applicants for employment and employees who believe themselves to be covered by the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C 2021 et seq.), and who wish to identify themselves as covered veterans for the purposes of affirmative action and proper job placement, are invited to do so. They may indicate that they are disabled on the "IU South Bend Applicant Monitoring Form" (AMF) and the "Employee Personal Data Form."

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

Self-identification is voluntary, and refusal to do so does not subject a person to discharge, disciplinary action, or other adverse treatment. Any information obtained concerning individuals is kept confidential except that (a) supervisors are informed regarding restriction 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 have been reviewed to see that they ensure careful, thorough, and systematic consideration of the job qualifications of known covered veteran applicants and employees for job vacancies and for all training opportunities. The following are the procedures that will be used to assure such consideration

- With respect to each known covered veteran 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 covered veteran employee will include identification of each promotion and each training program for which a covered veteran is considered.
- Where applicable, records will be maintained for each known covered veteran 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 covered veteran employee or applicant to the person(s) selected.

- With respect to the qualifications of a covered veteran, only that portion of his/her military record (including discharge papers) which is relevant to the specific job qualifications will be considered.
- The personnel record or application form will contain a description of any accommodation made which has permitted a disabled veteran 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 that they screen out qualified disabled veterans, they are job-related and consistent with business necessity and the safe performance of the job.

**D. Medical Examination/Confidentiality**

The University has the right to conduct pre-employment and/or post-employment medical evaluations under lawful circumstances. Where medical evaluations are given, the results 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 Accommodation**

University job descriptions will identify essential functions of the job in order to provide a basis for determining whether reasonable accommodation can be made regarding employment decisions involving disabled veteran employees and applicants. The primary consideration governing any accommodation will be whether, given the disability, the person is nevertheless qualified to perform the essential functions of the positions in question. Reasonable accommodations for disabled veterans are determined jointly in consultation with the affected employee, line management rehabilitation counselors/specialists, and in consideration of business necessity and financial costs and expenses. The Affirmative Action Officer cooperates with Disabled Student Services and the Department of Human Resources to provide services to disabled veterans and veterans of the Vietnam era.

## **F. Compensation**

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

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

IU South Bend's employment practices will be reviewed to determine whether personnel activities provide the necessary affirmative action for the employment and advancement of qualified Vietnam era veterans and disabled veterans. The following positive outreach and recruitment activities are to be undertaken.

- The University will inform all employees and prospective employees of its commitment to take affirmative action to increase the employment opportunities for covered veterans.
- The University will, when necessary, contact recruiting sources such as local veterans' employment representative or designee with the State Employment and Training Division to assist in recruiting covered veterans.
- The University will establish contacts with appropriate veterans' service organizations and similar groups for the purpose of obtaining advice, technical assistance, and the referral of potential employees.
- Human Resources will review employment records to determine the availability of promotable and transferable qualified known covered veterans in order to determine whether their potential skills are being fully utilized or developed.
- All University contractors, subcontractors, vendors, and suppliers are advised of their responsibilities under Section 402 of the Vietnam Era Veterans Readjustment Assistant Act of 1974 and under Section 503 of the Rehabilitation Act of 1973. Both Acts will be referenced in all covered contracts, purchase orders, and leases. Nondiscrimination clauses are included in all contracts and subcontracts, including a request for appropriate action on their part.
- Union officials of AFSCME Local 1477-01 are informed of the University's affirmative action policy and their full cooperation is requested in the recruitment, employment, and training of disabled veterans and veterans of the Vietnam era. The provisions of all union agreements are reviewed to ensure that they are nondiscriminatory.

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

The internal dissemination of both this written affirmative action compliance program and IU South Bend's policy has been or will be implemented in the following manner.

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

### **III. DEVELOPMENT AND EXECUTION OF AFFIRMATIVE ACTION PROGRAMS**

#### **A. Implementation Procedures**

The University is committed to developing, executing, and maintaining an effective affirmative action compliance plan. Special efforts are 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 the plan, the University will institute the following procedures.

- All job qualification requirements are made available to managers who are involved in the screening, selection, and promotion process.
- IU South Bend will evaluate the total selection process to ensure that disabled veterans and veterans of the Vietnam era 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.
- The University will send postings to various recruiting sources. These postings will include summary job descriptions, notice of current openings, and an explanation of the University's selections process.
- To the extent possible, the University will make every effort both to have qualified disabled veterans or veterans of the Vietnam era on the Human Resources staff, or available for consultation and to encourage covered veterans to participate in such activities as job fairs.
- The University will make efforts to reach disabled veterans and veterans of Vietnam era when recruiting at educational institutions.

#### **B. Internal Review Procedures**

The University internal administrative processes allow employees who are disabled veterans or veterans of the Vietnam era to raise any issues or claims which may arise during the course of their employment.

Human Resources as well as the Affirmative Action Office maintains an “open-door” policy and encourages any and all such employees to discuss issues or claims. The existence and availability of this internal procedure is communicated to all employees. Matters brought to the attention of Human Resources or the Affirmative Action Office will be treated as confidential information.

### **C. Monitoring and Reporting Systems**

It is the responsibility of the Director of Affirmative Action to monitor all campus employment and personnel practices and policies to assure compliance with applicable regulations and adherence to the stated policy for covered veterans; to report specific problems to the appropriate facility management; and to measure the effectiveness of the facility’s written affirmative action compliance policy.

A record of the applicant flow of covered veteran applicants, the source and disposition, will be maintained, as will records of all employment decisions (i.e. hires, promotions, transfers, terminations, training, etc.). Records of covered veteran applicants will be maintained for a one-year period, and all personnel actions involving covered veteran employees will be individually maintained as a part of their personnel file for the duration of their employment.

An annual report will be made to the IU South Bend Chancellor summarizing the status of any formal complaints alleging discrimination because of veteran status.

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

### **D. Complaint Procedures**

Individuals with complaints regarding the University’s compliance with the requirements of the law should contact the Affirmative Action Office located at 1700 Mishawaka Ave. Administration Building A248C, South Bend, In 46634. Phone number: (574) 520-4384. Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution.