

Michigan Technological University

# **Affirmative Action Program For Individuals with Disabilities**

January 2019 – December 2019

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## STATEMENT OF INTENT

The foregoing represents the Affirmative Action Program of Michigan Technological University for the program year beginning January 1, 2019. This statement affirms that all resources available will be mobilized for a good faith effort toward attaining the goals indicated.

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Richard Koubek, President

NOTE: Any portion of the Affirmative Action Program is subject to revision to meet deficiencies found or special recommendations made by the Contracts Compliance Specialist during the course of a Compliance Review. Any complaints regarding the Affirmative Action Plan may be filed with the Office of Federal Contract Compliance.

January 1, 2019

## **Equal Opportunity**

In keeping with its responsibilities as an educational institution, Michigan Technological University is committed to a policy of affording equal opportunity to all of its employees, students, applicants for employment and applicants for admission without regard to race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, or marital status. The University is also committed to a policy of educating and employing individuals with disabilities and veterans without discrimination. These policies are to be implemented with due regard for the relative qualifications of all involved.

This policy is applicable to any personnel activity or action including recruiting, selection, hiring, placement, formal and informal training (such as on-the-job training, co-op programs, and management training programs), seniority listings, transfers, promotion, layoff, recall, and termination.

Similarly, all salaries, wages, benefits, and social or recreational programs will be administered in conformity with this policy.

This policy also applies to students, residents, guests and other educational activities.

Responsibility for maintaining an audit and preparing reports relating to the University's Equal Employment Opportunity and Affirmative Action Program is assigned to Beth Lunde-Stockero, Equal Opportunity Officer. She reports directly to me and will discuss the Affirmative Action Program progress and problem areas.

My personal commitment to this policy is complete. It is my deliberate intention that my actions and decisions will support the spirit of this policy and program. It is incumbent upon every employee to do the same.

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Richard Koubek, President

## **Definitions: Individuals with Disabilities**

"Individual with Disability" means a person who, generally,

- (i) has a physical or mental impairment that substantially limits one or more of his or her major life activities
- (ii) has a record of such impairment, or
- (iii) is regarded as having such an impairment.

For the purposes of this Plan, an individual with a disability is "substantially limited" if he or she is unable to perform a major life activity that the average person in the general population can perform, or is significantly restricted as to the condition, manner, or duration under which a person can perform a particular major life activity as compared to the condition, manner, or duration under which the average person could perform that same activity.

"A Qualified Individual with Disability" means an individual with a disability as defined above who meets the requisite skill, experience, education, and other job-related requirements for a particular job and is capable of performing that job, with or without a reasonable accommodation for his or her disability.

## **Equal Opportunity Clause**

Michigan Technological University will assure compliance with the equal opportunity clause in each of its covered government contracts:

### **EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES**

The contractor will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, promotion, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified individuals with disabilities and the rights of applicants and employees.

The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment individuals with physical or mental disabilities.

Michigan Technological University will incorporate this clause in every subcontract or purchase order of \$15,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action

with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

All solicitations or advertisements for MTU placed by or on behalf of MTU, state “Michigan Technological University is an Equal Opportunity Educational Institution/Equal Opportunity Employer, which includes providing equal opportunity for individuals with disabilities”.

### **Applicability of the Affirmative Action Program Requirement**

The Affirmative Action Program for Individuals with Disabilities will be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, such changes will be communicated to employees as determined by Michigan Technological University.

### **Availability of this Document**

The affirmative action program shall be available to any employee or applicant for employment for inspection upon request. Contact Institutional Equity at 487-3310, email [equity@mtu.edu](mailto:equity@mtu.edu). The written AAP is also posted on Institutional Equity’s website: <http://www.mtu.edu/equity/equal-opportunity/resources/aaprogram.pdf>.

### **Invitation to Self-Identify**

- a) Pre-offer. As part of Michigan Tech’s affirmative action obligation, the University invites applicants for employment to state whether the applicant believes they are an Individual with a Disability.
- b) Post-offer. In addition to the invitation in paragraph (a), Michigan Tech again offers the applicant an opportunity to state whether the individual believes they are an Individual with a Disability after the offer of employment but before the applicant begins their job duties.

Additionally, Institutional Equity surveys the campus every two years.

Employees can self-identify at any time through BANWEB or by filling out the self-disclosure form on the IEI website: <http://www.mtu.edu/equity/equal-opportunity/resources/post-hire-eo-form.pdf>

All information on self-identification is kept confidential.

## **Policy of Michigan Technological University**

It is the policy of Michigan Technological University to take affirmative action to employ and advance qualified individuals with disabilities. The University has always utilized procedures to ensure that all phases of its employment policies are consistent with equal opportunity statutes and regulations. The University reasserts its policy to take affirmative action to employ and advance qualified individuals with disabilities. The policy shall apply in all employment practices, including but not limited to hiring, promotion, demotion, transfer, recruitment advertising, layoff, termination, rate of pay or other forms of compensation, and training.

Michigan Technological University is committed to equal opportunity employment and will ensure, through institutional mechanisms, that individuals with disabilities are given every opportunity for equal employment.

Discrimination or Harassment of any individual on the basis of disability status is prohibited.

Michigan Technological University will post a policy statement on the University's website. This requirement shall be satisfied by the posting of the "**Invitation to Individuals with Disabilities**". All information given pursuant to this invitation shall be kept confidential. If employees identify themselves, management will seek the advice of the employee regarding proper placement and appropriate accommodation. Nothing in the above invitation or other sections of the affirmative action program precludes an employee from informing the University at any future time of a desire to benefit under the program.

## **Review of Personnel Process**

Michigan Technological University will take affirmative action to employ and advance in employment the best qualified individuals with disabilities at all levels of employment for which they are qualified, including the executive level. Such action shall apply to all employment practices, including, but not limited to: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay and other forms of compensation, and selection for training.

Michigan Tech shall review the personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known individuals with disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

Ensures that its personnel processes do not stereotype qualified individuals with disabilities in a manner which limits their access to jobs for which they are qualified.

Ensures that all applicants and employees have equal access to its personnel processes.

Will provide necessary reasonable accommodation to ensure applicants and employees with disabilities receive equal opportunity in the operation of personnel processes.

Shall periodically review such processes and make any necessary modifications to ensure that these obligations are carried out.

The University's compensation program will be administered equitably with respect to all individuals with disabilities. It will not reduce the amount of compensation offered because of any disability income, pensions, or other benefits the applicant or employee receives from another source.

Will provide equal access to University information and communication technologies (ICT) such as university systems, websites, electronic documents, and educational and training materials .



## **Physical and Mental Qualifications**

Personnel responsible for hiring and placement or training have the responsibility to familiarize themselves with all physical and mental job qualification requirements to ensure that these requirements do not tend to screen out qualified individuals with disabilities.

Job qualification requirements should be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The qualifications will be reviewed whenever a position is posted.

Information gathered on medical questionnaires or physical examinations shall be kept confidential except that:

1. Supervisors and managers may be informed regarding restrictions on the work or duties of individuals with accommodations, or the presence of a communicable disease.
2. First aid and safety personnel may be informed if the condition might require emergency treatment.
3. Government officials investigating compliance with the Act will be informed.

## **Reasonable accommodation to Physical and Mental Limitations**

Michigan Technological University will make reasonable accommodations for the physical and mental limitations of employees and applicants unless it is demonstrated that such accommodation would impose an undue hardship on the business of the University.

Information on the accommodation process for faculty/staff/visitors is available on Institutional Equity's website. Information on the student process is available on the Student Disability Services website.

Data will be maintained listing employees who have been hired and the accommodations undertaken to enable employees, including individuals with disabilities, to perform the job.

All applicants and employees are invited to voluntarily disclose disability status at the pre-offer and post-offer stage using the form prescribed by OFCCP. Employees are invited to self-identify at any time using BANWEB.

## **Harassment**

We have developed and implemented procedures to ensure that all employees and applicants are not harassed because of their status as an individual with a disability.

Retaliation against anyone who is a victim, files a claim/complaint, who is named as a respondent, or who participates in the investigation and/or resolution of a case, regardless of the outcome of the case, is expressly prohibited and could lead to discipline and possible dismissal.

## **External Dissemination of the Policy, Outreach, and Positive Recruitment**

Michigan Technological University will continue to review its employment practices to determine whether its personnel programs provide the required affirmative action for employment and advancement of qualified individuals with disabilities.

Michigan Tech will send written notification of company policy to subcontractors, vendors and suppliers.

### **Some Examples of Outreach and recruitment activities**

Michigan Tech is a member of the Association on Higher Education and Disability (AHEAD), which provides many resources for accessibility for higher ed. issues. Members of our campus, from the Dean of Students to Writing Center coaches, have regularly attended the annual AHEAD conferences each summer.

Student Disability Services is dedicated to assuring and enhancing opportunities for students with disabilities. If a student has a documented disability, they may request appropriate modifications, accommodations, or auxiliary aids that will enable them to participate in and benefit from educational programs and activities.

The ADA/504 Coordinator in Institutional Equity is the point person for intake from employees seeking accommodations, collecting the documentation and purchasing the equipment from the ADA fund.

All students have the opportunity to participate in work-study programs or as an intern.

Individuals with disabilities have the opportunity to participate in career days, and all programs, and related activities.

Every two years there is a campus wide survey to identify faculty and staff with disabilities. We will survey the campus March 2019.

We are striving to make the campus more accessible to students and employees with physical impairments. There are now automatic doors on many of the campus buildings with more to be installed. Due to our location, weather is an extreme hindrance to those in wheelchairs or motorized chairs. We are always continuing to work on accommodations for those with such challenges. Location and signage continues to be a problem for parking and automatic doors and this challenge is an ongoing one which is constantly being addressed.

The William G. Jackson Center for Teaching and Learning has a testing center that offers a quiet place for students with accommodations to take exams.

When placing an ad, all advertisements will include the EEO solicitation "Michigan Technological University is an Equal Opportunity Educational Institution/Equal Opportunity Employer, which includes providing equal opportunity for protected veterans and individuals with disabilities."

Job descriptions are reviewed and revised, if necessary, prior to posting to make sure education, experience, skills, etc. are consistent with requirements of the job.

Barrier Report - Michigan Tech has an online Barrier Report for reporting barriers such as an inoperative elevator, blocked access ramps, water or ice accumulations, or inappropriate use of designated accessible parking space, etc.

Social and recreational activities are open to all employees and are attended by all interested employees, including females, minorities, veterans and individuals with disabilities.

## **Internal Dissemination of the Policy**

Michigan Technological University's policy on equal opportunity is printed in the Board of Trustees Policy Manual. The policy is available to all employees through its publication on the University's web site.

The union contract covering the bargaining unit employees contains a statement recognizing the equal employment opportunity/affirmative action commitment of the University.

Has developed internal communication to engage in affirmative action efforts to employ qualified individuals with disabilities to foster understanding, acceptance, and support among the facility's management, supervisory and all other employees.

Management and supervisory personnel will be advised of the policy.

The policy is available to all employees through its publication on the University's website.

The daily publication, Tech Today, contains the same statement in the job opening section throughout the year.

All new employees are given notice of the Equal Employment, Prohibition of Discrimination or Harassment, and Discrimination Based on Sex Policy during orientation.

Stationery and publications of the University include the statement that "Michigan Technological University is an Equal Opportunity Educational Institution/Equal Opportunity Employer, which includes providing equal opportunity for protected veterans and individuals with disabilities".

The University indicates that it is an EEO employer in all newspaper and digital advertisements and required EEO signs are posted on appropriate bulletin boards and on the University's website.

Articles of accomplishments of all employees will be recognized in University publications.

EEO posters are displayed in accessible areas on campuses throughout the University and on the University's web site. Posters include "EEO is the Law" which identifies nondiscrimination laws covering veterans and persons with disabilities.

The University website indicates "Michigan Technological University is an Equal Opportunity Educational Institution/Equal Opportunity Employer, which includes providing equal opportunity for protected veterans and individuals with disabilities".

## **Audit and reporting systems**

The following personnel activities are reviewed to ensure non-discrimination and equal employment opportunity for all individuals without regard to disability status.

- Recruitment, advertising, and job application procedures
- Implementation of employment practices such as: hiring, promotion, tenure, and layoff
- Rates of pay or other compensation
- Job assignments, classifications, descriptions
- Implementation of reasonable accommodation procedures and policies
- Awarding sick leave, leaves of absence and other leave policies
- Any other term, condition or privilege of employment

## **Responsibility for Implementation**

Overall responsibility for affirmative action has been assigned to the Equal Opportunity Officer.

1. Development of policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions.
2. Assuring that management is aware of its responsibility to make reasonable efforts to provide a work environment free of bias and to prevent harassment of individuals with disabilities.
3. Assist supervisors and other employees in the identification of problem areas, formulate solutions, and establish departmental goals and objectives.
4. As authorized, assist the University in its dealings with enforcement agencies.
5. Serve as liaison between the University and organizations concerned with and involved in employment opportunities for individuals with disabilities.
6. Keep management informed on current developments in the employment of the individuals with disabilities.
7. Regularly communicate with supervisors and employees to assure that the University's policies are being followed.
8. Review the affirmative action efforts in hiring to assure that individuals with disabilities are given full opportunity for transfers and promotions.

## **Training**

All staff who participate on search committees must complete staff certification training. Staff Search Committee Certification consists of two parts:

- Part One: "Recruiting and Hiring" Training Session – This training covers each area of the staff hiring process, provides direction for effective interviewing, and delivers other resources to support recruitment and hiring.
- Part Two: "Best Practices of Staff Hiring (Legal Aspects)" Online Course – This online course was designed by the Office of Institutional Equity. It consists of an audio/PowerPoint presentation, hiring scenarios, and a brief survey. This course is made available to those who complete Part One.

All faculty who participate on search committees must complete Diversity Certification training.

All new employees are given notice of the Equal Employment, Prohibition of Discrimination or Harassment, and Discrimination Based on Sex Policy during orientation.

Awareness and training - In an effort to reduce the risk of gender discrimination, and sexual misconduct such as sexual harassment and sexual violence, including the crimes of rape, sexual assault, stalking, dating violence, and domestic violence occurring among students and employees, Michigan Tech utilizes a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention programming and training.

- All employees must complete Anti-Harassment, Discrimination, Retaliation training.
- Is required for all incoming new first year students, transfer students and incoming graduate students. The training is assigned during new student orientation and throughout an incoming student's first semester.

### **Utilization goals**

OFCCP has established a utilization goal of 7% for employment of qualified Individuals with Disabilities for each job group.

### **AFFIRMATIVE ACTION INVITATION TO INDIVIDUALS WITH DISABILITIES**

Michigan Technological University has developed an affirmative action plan for Individuals with Disabilities. It is available for inspection during normal business hours by contacting Institutional Equity at 487-3310, email [equity@mtu.edu](mailto:equity@mtu.edu).

If you receive a request for an accommodation, need a reasonable accommodation, or have questions contact the ADA Coordinator. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that:

- (1) the hiring supervisor may be informed to assure consideration for employment under this plan,
- (2) supervisors and managers may be informed regarding restrictions on work or duties of Individuals with Disabilities and regarding necessary accommodations,
- (3) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and
- (4) government officials investigating compliance with the Act shall be informed.

If you are an Individual with a Disability, the University would like to include you under the affirmative action program. It would be helpful if you describe

- (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your disability, so that you will be considered for any position of that kind, and
- (2) the reasonable accommodations which could be made to enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

Michigan Technological University has developed an internal grievance procedure to consider complaints of Individuals with Disabilities. Persons who believe they have been discriminated against because of a disability should contact the Equal Opportunity Officer, Room 308 Administration Building, 487-3310, email [equity@mtu.edu](mailto:equity@mtu.edu), who will investigate the complaint and provide a prompt response.