

**AFFIRMATIVE ACTION PLAN  
For VETERANS  
And  
INDIVIDUALS WITH DISABILITIES**

**Eastern Michigan University  
Ypsilanti, MI**

**2008-2009**

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**AFFIRMATIVE ACTION PLAN FOR VETERANS  
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**I. STATEMENT OF PURPOSE**

**A. Purpose and Applicability of the Affirmative Action Plan for Veterans and Individuals with Disabilities (41 CFR 60 – 250.1 – Veterans 41 CFR 60 – 741.1)**

1. Purpose

The Federal Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) require that government contractors employ and advance in employment qualified individuals with disabilities, special disabled veterans, and other covered veterans. Unlike the Affirmative Action Plan for Women and Minorities, there are no formal numerical goal-setting requirements or timetables under the disabled and veteran's regulations. The Affirmative Action Plan for Veterans and Individuals with Disabilities must be made available to any employee or applicant for employment upon request (41 CFR 60 –74.44).

The purpose of Eastern Michigan University's Affirmative Action Plan for Veterans and Individuals with Disabilities is to reaffirm the University's commitment to the principles of equal employment opportunity. In addition, the plan enables the university to monitor and evaluate its employment practices to ensure that they are free of bias and discrimination based upon veterans' status and disability. It also serves as a vehicle for providing relevant information to the University community regarding the development, analysis, enforcement, evaluation, dissemination and monitoring of the University's commitment to outreach and equal employment opportunity for veterans and persons with disabilities.

2. Access to Plan

Eastern Michigan University audits and revises this plan annually. It is available for inspection Monday through Friday from 8 a.m. to noon and 1 to 5 p.m. in the Office of Diversity and Affirmative Action, 11 Welch Hall, Eastern Michigan University, Ypsilanti, Michigan 48197. Copies of the plan are housed in Halle Library. The annual audit of the plan is available for viewing on the Diversity and Affirmative Action Web site: [www.emich.edu/diversity](http://www.emich.edu/diversity)

For additional information regarding EMU's Affirmative Action Plan for Veterans and Individuals with Disabilities, contact the Office of Diversity and Affirmative Action at 734.487.1166.

### 3. Applicability

The Affirmative Action Plan applies to the operations of all units under the supervision of the Board of Regents and the President of Eastern Michigan University, Ypsilanti, Michigan.

## **B. Definitions**

**Special Disabled Veteran:** A veteran who is entitled to compensation under laws administered by the Veterans Administration for a disability rated at 30 percent or more; or rated at 10 or 20 percent, if it has been determined that the individual has a serious employment disability; or, a person who was discharged or released from active duty because of a service-connected disability.

**Veteran of the Vietnam Era:** A veteran who 1) 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, was discharged or released with other than a dishonorable discharge; 2) was discharged or released from active duty for a service connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975; or 3) served on active duty for more than 180 days and served in the Republic of Vietnam between February 28, 1961 and May 7, 1975.

**Essential Functions of a Job:** The term essential functions means fundamental job duties of the employment position the special disabled veteran or person with disability holds or desires. The term essential function does not include the marginal functions of the position.

**Reasonable Accommodation:** A reasonable accommodation is a modification or adjustment to the application process, a job, the work environment or the way things are usually done that enables a qualified individual with a disability to enjoy an equal employment opportunity. It should not impose an undue hardship on the employer.

**Undue Hardship:** An undue hardship means, with respect to the provisions of an accommodation, significant difficulty or expense incurred by the employer.

**Qualification Standards:** These are the personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements which an individual must meet in order to be eligible for the position held or desired.

**Direct Threat:** A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

**Individual with a Disability:** An individual who 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment.

**Qualified Individual with a Disability:** A person who satisfies the requisite skills, experience, education, and other job-related requirements of the employment position that such individual holds or desires and who, with or without reasonable accommodations, can perform the essential functions of such position.

### **C. Equal Employment Opportunities Objectives**

Eastern Michigan University supports these employment objectives with regards to veterans and persons with disabilities.

1. To conduct all employment activities, including but not limited to recruiting, hiring, training and promoting in all job classifications without regard to veteran status and disability.
2. To ensure that all criteria for all personnel actions, including recruitment, hiring, promotion, granting of tenure, compensation, employee benefits, University sponsored education, selection for education, tuition assistance, recreation programs, transfer, demotion, layoff, return from layoff, discipline, termination, all other terms, conditions and privileges of employment, are job-related and realistic.
3. To vigorously apply the principles of equal employment opportunity to correct problems and ensure equal employment opportunity for veterans and/or individuals with disabilities.

## D. Legal Basis

Discrimination, whether intentional or not, is prohibited by law. The legal authority in this area is summarized as follows:

<b>Federal</b>		
<b>Basis</b>	<b>Description</b>	<b>Enforcing Agency</b>
Executive Order 11246 (As amended by Executive Order 11375)	Nondiscrimination and affirmative action in employment for federal contractors on the basis of race, color, religion, sex, national origin.	Department of Labor (DOL)
Title VII of the Civil Rights Act of 1964 (as amended by the Civil Rights Act of 1991)	Nondiscrimination in employment on the basis of race, color, national origin, religion, sex.	Equal Employment Opportunity Commission (EEOC)
Title VI of the Civil Rights Act of 1964.	Nondiscrimination in education on the basis of race, sex, national origin.	Department of Education (DED)
Equal Pay Act of 1963	Nondiscrimination in wages on the basis of sex.	EEOC
Title IX of the Education Amendments of 1972	Nondiscrimination in education on the basis of sex.	DED
Age Discrimination in Employment Act of 1967	Nondiscrimination in employment on the basis of age.	EEOC
Vietnam Era Veterans Readjustment Assistance Act of 1974	Nondiscrimination and affirmative action in employment on the basis of status as a Vietnam era veteran or Disabled Veteran.	DOL
Sections 503 and 504 of the Rehabilitation Act of 1973.	Nondiscrimination on the basis of disability in employment and education, affirmative action in employment for disabled persons.	DED, DOL
Americans with Disabilities Act 1990	Nondiscrimination on the basis of disability.	EEOC
<b>State</b>		
Elliott- Larsen Civil Rights Act of 1977	Nondiscrimination on the basis of religion, color, sex, disability, national origin, race or ancestry.	Michigan Department of Civil Rights
Michigan Persons with Disabilities Act 1977	Prohibits discrimination based upon disability.	Michigan Department of Civil Rights

## **II. REAFFIRMATION OF POLICY**

At its meeting on October 3, 1966, the Board of Regents affirmed the University's commitment to the principles of equal opportunity. It approved a civil rights statement that provides in part:

"Eastern Michigan University shall not discriminate against any person because of race, color, religion, creed, sex, age, national origin, ancestry, marital status or handicap as provided for and to the extent required by state and federal statute."

At its meeting on May 16, 1973 the Board of Regents reaffirmed its commitment to equal opportunity by approving the "Equal Employment Opportunity/Affirmative Action Policy. The policy provides in part:

"It is the policy of Eastern Michigan University, in recognition of the essential rights of all employees and applicants as individuals, to recruit and hire in all job classifications without regard to race, color, religion, creed, sex, age, national origin, ancestry, marital status or handicap as provided for and to the extent required by state and federal statutes."

At its meeting on January 23, 1996, the Board of Regents added the following:

"Finally, it is the policy of the University to recruit, hire and take other personnel actions in all job classifications without regard to sexual orientation."

On March 20, 2007, it was recommended that the Board of Regents approve revisions to the Preamble to the Bylaws of EMU's Board of Regents, the EMU Civil Rights policy and the EMU Equal Employment Opportunity/ Affirmative Action policy. It was approved that the inclusion of gender identity or expression in the University's nondiscrimination clauses reinforces Eastern Michigan University's commitment to diversity and inclusion.

### III. INTERNAL AND EXTERNAL DISSEMINATION

#### A. Internal Dissemination

##### 1. Published Documents and Postings

The Office of Diversity and Affirmative Action prepares the annual Affirmative Action Audit and Plan for review by the President. Following the administration's review, the materials are presented to the Board of Regents for review and reaffirmation.

The President conveys the Affirmative Action Policy and Plan to the campus community with specific distributions to the vice presidents, directors, deans, department heads, program directors, the Women's Commission and the University Diversity Council. The administrators are responsible for notifying their employees of the contents and availability of the materials on campus.

The University includes statements of nondiscrimination in collective bargaining agreements and reviews proposed contract provisions to ensure they are nondiscriminatory.

Periodically, the policy is publicized in *Focus EMU Online* (a faculty/staff publication), the *Eastern Echo* (the student newspaper), on *WEMU-FM* (the campus radio station). Effective June 2002, the policy and the Affirmative Action Audit was placed on the EMU Diversity and Affirmative Action web site:

[www.emich.edu/diversity](http://www.emich.edu/diversity)

##### 2. Program and Presentation

The President and senior administrative staff periodically emphasize this policy in meetings with top administrators, deans, department heads, directors, faculty and staff advisory groups.

The University communicates the policy to new employees during orientation and to other members of the campus as appropriate through training and educational programs.

Representatives of the Office of Staff Human Resources, the Office of Academic Human Resources and the Office of Diversity and Affirmative Action review the Affirmative Action Plan and utilization goals with search/screening committees and hiring authorities as part of the recruitment and hiring process.

The Office of Diversity and Affirmative Action conducts professional development programs with senior administrators and supervisory personnel to explain the intent of policy and individual responsibility for effective implementation, making clear

the President's attitude and commitment to the principle of equal opportunity employment practices.

The Office of Diversity and Affirmative Action, at the invitation of administrators and supervisors, reviews the policy with various groups of employees and explains individual employee responsibilities concerning the Affirmative Action Plan.

The Affirmative Action Audit and the Affirmative Action Plan are distributed, reviewed, and discussed annually with appropriate administrators at the University and are utilized in affirmative action education programs presented by the Office of Diversity and Affirmative Action.

Eastern Michigan University's Marketing and Communications Department ensures that veterans and individuals with disabilities are represented in advertising and promotional materials.

The University publishes articles covering equal employment opportunity programs and the achievements of veteran's and individuals with disabilities who are faculty, staff, and students in University publications.

## **B. External Dissemination**

### 1. Advertisements and Notices

The University communicates its commitment to equal employment opportunity and affirmative action through recruitment advertisements and contact materials such as applications, electronic advertisements and posting boards. Each advertisement of a vacant position placed by the University states the following sentence or an equivalent phrase in clear distinguishable type:

**“Eastern Michigan University is an affirmative action/equal opportunity employer and strongly encourages veterans and applicants with disabilities to consider this opportunity.”**

The University informs recruiting sources of its policy and commitment to Equal Employment Opportunity and Affirmative Action and requests qualified veterans and individuals with disabilities be referred for openings.

The Purchasing Department sends written notification of the policy, including the equal opportunity clause, to subcontractors, vendors and suppliers who provide services or supplies to the institution.

The Physical Plant includes the policy and equal opportunity clause into the general conditions of all contracts that are open for bid for construction, rehabilitation, alteration, conversion, renovation, extension or repair of buildings, roadways or other real property.

Copies of the policy are made available to the Office of Research Development as needed for grant applications and certifications. The University ensures its policies and programs are shared with organizations representing the interests of protected classes.

2. Other Methods

The Director of Diversity and Affirmative Action communicates with organizations representing minorities, women, persons with disabilities, Vietnam era and disabled veterans, community agencies and leaders about the Affirmative Action Plan and the University policies regarding Equal Employment Opportunity and Affirmative Action.

Affirmative Action information is available at the Office of Diversity and Affirmative Action web site: <http://www.emich.edu/diversity>

University and University-related publications and public radio programming periodically include articles on employees who are veterans and individuals with disabilities along with activities related to the affirmative action program.

#### **IV. IMPLEMENTATION AND RESPONSIBILITY**

The President has ultimate responsibility for ensuring that equal employment opportunity and affirmative action receive high priority. The President regularly states his commitment to affirmative action and equal employment opportunity.

Regarding implementation, the Equal Employment Opportunity Affirmative Action policy states:

“The President of Eastern Michigan University is responsible for the overall implementation of this program. However, each vice president, dean, director, department head, and other supervisory personnel has specific responsibility for developing and implementing the program in relation to recruitment, employment, promotion, salary progression within his or her functional areas of responsibility. These individuals shall be evaluated on the basis of their performance in the implementation of the University’s equal employment opportunity and affirmative action policies by their immediate supervisors.”

Vice Presidents are responsible for integrating equal opportunity and affirmative action principles and objectives into all employment-related decisions within their area of responsibility. They are also responsible for reviewing recommendations for hiring, compensation, promotion, transfer or reassignment, and termination to ensure compliance with the University’s affirmative action program in both procedure and outcome. They are also responsible for reviewing the qualifications of applicants and reasons for selection ensuring that veterans and individuals with disabilities are given equal opportunities for hire and promotion.

Directors, Deans and Department Heads are responsible for promoting the University’s policies and practices regarding equal employment opportunity and affirmative action for veterans and individuals with disabilities.

The Director of Diversity and Affirmative Action, is responsible for developing, coordinating, and maintaining an annual Affirmative Action Plan for Veterans and Individuals with Disabilities. The Director should also serve as a consultant for administrators and search committees with regards to the Affirmative Action Plan for Veterans and Individuals with Disabilities.

## **V. IDENTIFICATION OF PROBLEM AREAS AND RECOMMENDED ACTIONS**

In compliance with Section 503 of the Rehabilitation Act and the Vietnam Era Veteran's Readjustment Act, an annual audit of the **University's Affirmative Action Plan for Veterans and Individuals with Disabilities** is conducted.

### **A. Review and Selection Process**

Eastern Michigan University complies with the Uniform Guidelines of Employee Selection Procedures. The compliance with these guidelines is monitored by the Office of Staff Human Resources and the Office of Academic Human Resources. The Office of Diversity and Affirmative Action may serve as a consultant in this review process. Hiring authorities are told that only job-related, non-discriminatory factors should be considered in making employment decisions. Veterans and persons with disabilities who apply should be considered. Hiring authorities are also told of the need to take corrective action when adverse impact on veterans and individuals with disabilities is found in the recruitment and selection process.

#### 1. Job Requirements and Descriptions

The Office of Staff Human Resources and the Office of Academic Human Resources review all physical and/or mental job qualification requirements when positions are submitted for review to ensure that, to the extent qualification requirements tend to screen out qualified individuals with disabilities, they are job-related and are consistent with business necessity and the safe performance of the job. The Office of Diversity and Affirmative Action may serve as a consultant in this review process.

#### 2. Referral Procedures

The Office of Staff Human Resources and the Office of Academic Human Resources should refer the credentials of qualified applicants to the hiring authority.

#### 3. Medical Examinations and Inquiries

##### a) Pre-employment

It is unlawful for the employer to require a medical examination of an applicant or to make inquiries as to whether an applicant is an individual with a disability or as to the nature or severity of such disability. However, the employer may make pre-employment inquiries into the ability of an applicant to perform job-related functions, or may ask an applicant to describe or to demonstrate how, with or without reasonable accommodations; the applicant should be able to perform job-related functions.

b) Post-employment

The University may require a medical examination of an employee that is job-related and consistent with business necessity. The University also may make inquiries of an employee's ability to perform job-related functions.

**Finding:** Eastern Michigan University does not require a medical examination prior to extending a tentative job offer to an applicant.

**Recommended Action:** None recommended.

## B. Outreach

### 1. Appropriateness of Outreach

The Office of Staff Human Resources and the Office of Academic Human Resources are responsible for coordinating advertising designed to reach out to veterans and persons with disabilities. Employment opportunities are publicized in a variety of media.

Eastern Michigan University employment job postings encourage qualified veterans and persons with disabilities to apply for employment opportunities and clearly indicate that accommodations and physical access should be ensured to everyone. University guidelines for effective recruitment of members of these groups include but are not limited to the following:

- Hiring Authorities must consider an applicant in terms of the applicant's qualifications for and ability to perform the essential functions of the job with or without reasonable accommodations.
- Individuals with disabilities who cannot perform the essential functions of the job, with or without a reasonable accommodation, are not qualified.
- Veterans and individuals with disabilities who apply for positions are given the opportunity to request reasonable accommodations/alternative format statements.
- Any determination of disability shall be accorded the confidentiality of other medical data and shall not be used to exclude a qualified individual with a disability.
- The Office of Diversity and Affirmative Action may be consulted to assist in accommodations being considered by the hiring authority that involve analyzing and restructuring jobs for qualified applicants with disabilities.

### 2. Review of Sources

The Office of Diversity and Affirmative Action maintains resources to assist hiring authorities in their efforts to establish diverse recruitment pools that include

veterans and individuals with disabilities. Hiring authorities, however, are ultimately responsible for implementing this affirmative action plan.

**Findings:**

- The Office of Staff Human Resources and the Office of Academic Human Resources have been asked to send copies of all job announcements to the local Veterans' Affairs Office.
- Currently, resources for recruiting veterans and individuals with disabilities do not exist.
- A comprehensive recruitment plan for veterans and individuals with disabilities is not currently used.

**Recommended Actions:**

- Resources for doing outreach to veterans and individuals with disabilities should be updated and made available to hiring authorities.
- A comprehensive outreach plan for veterans and individuals with disabilities should be developed and implemented.
- Training programs for hiring authorities should include information regarding the recruitment and hiring of veterans and individuals with disabilities.

**C. Education**

All educational programs offered through Eastern Michigan University are open to participation by veterans and individuals with disabilities.

**Finding:**

- An analysis of educational opportunities was not completed during the past year.

**Recommended Actions:**

- A protocol for developing a system for generating an annual report of the types of education opportunities offered to employees should be developed.
- The Office of Staff Human Resources and the Office of Academic Human Resources should generate annual reports detailing the types of education opportunities offered through their departments and attendance at those sessions.

#### **D. Complaint Procedure**

Applicants and employees shall not be subjected to harassment, intimidation, threats, coercion or discrimination because of their status as a veteran and/or an individual with disabilities. Nor shall an applicant or an employee be subjected to harassment, intimidation, threats, coercion or discrimination because he/she filed a complaint or participated in any way in the filing of a complaint.

##### **Findings:**

- All Collective Bargaining Agreements contain procedures for filing a complaint. There is a similar complaint process for non-bargained employees.
- The Office of Diversity and Affirmative Action monitors complaints and requests for assistance.
- Trends and other significant matters are reported to the appropriate university officials.

##### **Recommended Actions:**

- The Office of Diversity and Affirmative Action should conduct training sessions on managing complaints for faculty and staff.

#### **E. Contract Compliance**

Eastern Michigan University informs all contractors, vendors and suppliers of its affirmative action policy.

##### **Finding:**

- A complete record of how and when contractors, vendors, and suppliers were informed of the University's affirmative action policy is not currently available.

##### **Recommended Action:**

- A formal method for tracking data regarding the notification of its contractors, vendors, and suppliers should be developed.

#### **F. Veterans' Employment Report**

The Veterans' Employment Report (VETS-100) is completed annually by the Staff Human Resources Office.