



AFFIRMATIVE ACTION PROGRAM FOR
INDIVIDUALS WITH DISABILITIES AND FOR
PROTECTED VETERANS

Tarleton State University

State of Texas Agency Number 713

January 1, 2011 through December 31, 2011

EEO Contact: Angela Brown, MS, PHR
Affirmative Action Officer
Department of Human Resources
Box T-0510
Stephenville, Texas 76402
(254) 968-9128

Table of Contents

INTRODUCTION	3
I. STATEMENT OF POLICY [41 C.F.R. § 60-741.44(a) and 41 C.F.R. § 60-300.44(a)].....	3
II. REVIEW OF PERSONNEL PROCESSES [41 C.F.R. § 60-741.44(b) and 41 C.F.R. § 60-300.44(b)]	4
A. Pre-employment	4
B. Post-employment.....	5
III. PHYSICAL AND MENTAL QUALIFICATIONS [41 C.F.R. § 60-741.44(c) and 41 C.F.R. § 60-300.44(c)]....	6
IV. REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS [41 C.F.R. § 741.44(d) and 41 C.F.R. § 60-300.44(d)]	6
V. HARASSMENT [41 C.F.R. § 60-741.44(e) and 41 C.F.R. § 60-300.44(e)]	6
VI. EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT [41 C.F.R. § 60- 741.44(f) and 41 C.F.R. § 60-300.44(f)].....	7
A. Dissemination of Policy	7
B. Outreach and Positive Recruitment.....	7
VII. INTERNAL DISSEMINATION OF POLICY [41 C.F.R. § 60-741.44(g) and 41 C.F.R. § 60-300.44(g)].....	8
VIII. AUDIT AND REPORTING SYSTEM [41 C.F.R. § 60-741.44(h) and 41 C.F.R. § 60-300.44(h)]	9
IX. RESPONSIBILITY FOR IMPLEMENTATION [41 C.F.R. § 60-741.44(i) and 41 C.F.R. § 60-300.44(i)]	9
X. TRAINING [41 C.F.R. § 60-741.44(j) and 41 C.F.R. § 60-300.44(j)]	11
DEFINITIONS.....	12

INTRODUCTION

Tarleton State University is an equal opportunity employer and educator. In support of equal opportunity, Tarleton has developed an Affirmative Action Plan (AAP) for individuals with a disability and for protected veterans in accordance with U.S. Labor Department Office of Federal Contract Compliance Programs (OFCCP) regulations, Section 503 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), as amended, the Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA) as amended, and federal regulations 41 C.F.R. § 60-741.44 and 41 C.F.R. § 60-300.44.

The Affirmative Action Plan for Individuals with Disabilities and for Protected Veterans is organized into interdependent sections, with each section set forth topically. For ease of accessibility, all sections are summarily listed, with page numbers, in the Table of Contents at the beginning of this document.

To ensure every employee has a clear understanding of the key terms and key laws associated with Tarleton's AAP, we have included a "Definition of Terms" section as a reference.

While this document is not considered an employment contract between Tarleton and its employees, Tarleton views the principle of equal employment opportunity as a vital element in the employment process and as a hallmark of good management.

To ensure equal employment opportunity is achieved through good faith efforts, Tarleton has established various levels of responsibility to both direct and oversee its affirmative action efforts. The Director of Human Resources, **Ms. Angela Brown**, has been designated as the Affirmative Action Officer (AAO) for Tarleton. The AAO is responsible for monitoring affirmative action efforts, providing equal opportunity training, and recommending the use of outside resources, where applicable. Individual managers and supervisors are responsible for ensuring that their employment decisions comply with principles embodied in Tarleton's Equal Employment Opportunity/Affirmative Action Statement and all applicable state law, federal law, The Texas A&M University System Policies and Regulations, and Tarleton State University Rules and Procedures. The President of this institution bears the final responsibility for ensuring that equal employment and affirmative action receive a sufficient level of attention and management support. Finally, each employee is responsible for bringing to the attention of the President, or his designee, any employment decision that he or she feels conflicts with the law.

The inclusive dates of this AAP are from January 1, 2011 through December 31, 2011.

I. STATEMENT OF POLICY [41 C.F.R. § 60-741.44(a) and 41 C.F.R. § 60-300.44(a)]

Tarleton State University will provide employment, training, levels of compensation, transfer and promotion opportunities, demotion, layoffs, terminations, and other employment actions without regard to race, color, religion, sex, national origin, age, disability status, or status as a veteran, including

disabled veteran, recently separated veteran, other protected veteran, or Armed Forces service medal veteran. Tarleton will ensure that all employment decisions are based only on valid job requirements. Furthermore, Tarleton will ensure that employees and applicants not be subjected to harassment, intimidation, threats, coercion or discrimination because of their participation or ability to participate in filing a complaint in accordance with the laws and regulations governing this document, assisting or participating in an investigation or other related activity involving the laws and regulations governing this document, opposing any act or practice made unlawful by the laws and regulations governing this document, or exercising any other right protected by the laws and regulations governing this document.

The self-disclosure of a disability by an applicant or employee at the present, or any time in the future, is voluntary and refusal to provide the disclosure will not subject the individual to any adverse treatment.

Tarleton State University is committed to the specific and results-oriented procedures established by this AAP. The procedures and good faith efforts are designed to achieve the full representation of all university employees at all levels and in all parts of the workforce through affirmative action.

II. REVIEW OF PERSONNEL PROCESSES [41 C.F.R. § 60-741.44(b) and 41 C.F.R. § 60-300.44(b)]

Tarleton State University assures that its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees. Tarleton assures that its personnel processes do not stereotype individuals with a disability or Protected Veterans in a manner which limits their access to jobs for which they are qualified.

Tarleton periodically reviews its processes and makes any necessary modifications to ensure that these obligations are carried out. The following procedures facilitate a review of the implementation of these requirements and are drawn from Appendix C of Part 60-741.

A. Pre-employment

1. The self-disclosure of veteran status by an applicant is voluntary and refusal to provide the disclosure will not subject the individual to any adverse treatment. Individual demographic information is not shared with the hiring department or hiring manager during the hiring process.
2. Applicants needing assistance with the application or interview may contact Human Resources and may also receive assistance from Human Resources staff if applying in person.

3. Job vacancies are advertised on Tarleton's online web site and through the Texas Workforce Commission web site. Hiring departments may elect to use and fund other advertising services. Ads must be approved for use by the Department of Human Resources.
4. The following statement is included on the employment application, "In compliance with the Americans with Disabilities Act (ADA), if accommodations are needed for the application process, please inform Human Resources at employment@tarleton.edu or phone (254) 968-9128."
5. In determining the qualifications of a Protected Veteran, consideration is given only to the portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
6. Pre-employment questions will be based on job-related qualifications and requirements for the position, consistent with business necessity and the safe performance of the job, and will not screen out or tend to screen out qualified individuals with disabilities or Protected Veterans. The applicant questions will be documented and asked of all applicants for the same position.
7. Departments engaged in hiring new employees are required to document the final status of applications in the applicant pools, which are reviewed and monitored by Human Resources.

B. Post-employment

1. New employees may voluntarily identify protected veteran status when completing the personal data form. Incumbent employees also may voluntarily identify Protected Veteran status by updating their own personal data information maintained in the Texas A&M University system's HR Connect online personnel data system.
2. Employees seeking a job accommodation for a disability should contact the Department of Human Resources at (254) 968-9128. A determination of what is a reasonable accommodation will be made on a case-by-case basis through an interactive process involving a representative of Human Resources and the appropriate manager and the employee. The record of the evaluation process will be treated as a confidential medical record and maintained within the Department of Human Resources.
3. Medical information concerning individuals with a disability will be treated as confidential information and used only to meet safety requirements and to make reasonable accommodations for a disability.

III. PHYSICAL AND MENTAL QUALIFICATIONS [41 C.F.R. § 60-741.44(c) and 41 C.F.R. § 60-300.44(c)]

Tarleton State University conducts an annual review of position descriptions as a part of the annual performance evaluation process. Employees are required to review the job functions, job requirements and the physical and mental job requirements annually. Changes to the physical and mental qualifications may occur at the annual review or as new skills, equipment or tasks are added to the job. Human Resources oversees all position descriptions to ensure qualification standards are job-related and are consistent with business necessity.

IV. REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS [41 C.F.R. § 741.44(d) and 41 C.F.R. § 60-300.44(d)]

Tarleton State University will provide reasonable accommodations to qualified individuals with a disability under the provisions of the Texas A&M University System Regulation 08.01.01, Civil Rights Compliance, and Tarleton Rule and Procedure 33.02.02.T1, Reasonable Workplace Accommodation.

Applicants extended an offer of employment and employees who request an accommodation are responsible for obtaining a medical statement that contains a diagnosis, prognosis, and the major life function that is substantially limited. This medical statement should include an evaluation as to the effect that the impairment has on the employee's or prospective employee's ability to perform the duties associated with the position. All medical information will be treated as confidential and will be kept in a separate file from other personnel records.

V. HARASSMENT [41 C.F.R. § 60-741.44(e) and 41 C.F.R. § 60- 300.44(e)]

Tarleton State University is committed to providing a work and learning environment free from discrimination, harassment and retaliation. To support this commitment, the university has a formal process in place that allows employees to report alleged or suspected discrimination, harassment, or retaliation to university officials. The process requires that reports of harassment are investigated and decided promptly. The process is outlined in the Texas A&M University System Regulation 32.01.01, Complaint and Appeal Procedure for Faculty Members, Texas A&M University System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Employees, and Tarleton Rule and Procedure 34.01.99.T1, Sexual Harassment.

VI. EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT [41 C.F.R. § 60-741.44(f) and 41 C.F.R. § 60-300.44(f)]

Tarleton State University will carry out appropriate outreach and positive recruitment activities such as those listed below that are reasonably designed to effectively recruit and retain qualified individuals with a disability or Protected Veterans.

A. Dissemination of Policy

1. The Affirmative Action Program for Individuals with Disabilities and for Protected Veterans will be made available online at the Human Resources web site or provided in print upon request from the Department of Human Resources by calling (254) 968-9128, emailing employment@tarleton.edu, or by sending a written request to Department of Human Resources, Box T-0510, Stephenville, Texas 76402.
2. In accordance with the university's publications guidelines, appropriate publications, including Tarleton's employment application form, and other printed materials will state the shortened version of the institution's EEO/AA Statement: "Tarleton State University, an Equal Employment Opportunity and Affirmative Action Employer and Educator, is committed to excellence through diversity."
3. All contracts, leases and purchase orders will contain the shortened version of the EEO/AA statement. A statement relating to the EEO/AA policy is provided to all covered contractors and subcontractors as required by law under Section 503 of the Rehabilitation Act of 1973, as amended, and 38 USC 4212 (formerly 2012) of VEVRAA.
4. Written notification of the University's EEO/AA policy will be sent to all subcontractors, vendors, and suppliers.

B. Outreach and Positive Recruitment

1. Human Resources will work with local organizations and institutions that have a special interest in employment of and accommodations for individuals with a disability and for Protected Veterans to recruit and retain qualified individuals.
2. Human Resources will inform all major recruiting sources of its commitment to employ qualified individuals with a disability and Protected Veterans. A list of all applicable employment openings is provided to the Texas Workforce Commission for inclusion on their

web site.

3. Human Resources will include the EEO/AA statement in recruitment literature, employment promotional information, hiring and employment process training materials and on the Tarleton online employment service, Tarleton Connection.
4. Human Resources will work with organizations such as the Texas Department Assistive and Rehabilitation Services or the Texas Veterans Commission as needed for advice, technical assistance and referral of qualified applicants.

VII. INTERNAL DISSEMINATION OF POLICY [41 C.F.R. § 60-741.44(g) and 41 C.F.R. § 60-300.44(g)]

Tarleton State University recognizes that a strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees who may have had limited contact with individuals with a disability or with Protected Veterans in the past. To assure greater employee cooperation and participation in these efforts, the university will implement or continue to implement internal dissemination procedures, all of which are the responsibility of Human Resources, to communicate its obligation to engage in affirmative action efforts to employ and advance in employment qualified individuals with a disability.

1. Each year the President will issue a memorandum reaffirming the EEO/AA policy statement to all employees.
2. The Affirmative Action Program for Individuals with Disabilities and for Protected Veterans will be made available online at the Human Resources web site or provided in print upon request from the Department of Human Resources by calling (254) 968-9128, emailing employment@tarleton.edu, or by sending a written request to Department of Human Resources, Box T-0510, Stephenville, Texas 76402.
3. Human Resources will provide annual reminders to employees about the university's AAP and the commitment of affirmative affairs at Tarleton.
4. Employees are informed about the university's EEO/AA policy through dissemination of this AAP, employee handbooks, new hire orientation, other presentations and meetings conducted by Human Resources and university-sponsored training seminars, which may include workshops on supervisory skills, the hiring process and job position descriptions. Employees also take a mandatory online training course on non-discrimination within 30 days of hire and every two years thereafter.

5. The policies on equal employment opportunity and affirmative action are stated in the Texas A&M University System Policy 08.01, Civil Rights Protections and Compliance available on the Texas A&M University System web site and are communicated periodically to all employees.

VIII. AUDIT AND REPORTING SYSTEM [41 C.F.R. § 60-741.44(h) and 41 C.F.R. § 60-300.44(h)]

The Director of Human Resources/Affirmative Action Officer has the responsibility for developing and preparing the formal documents of the AAP and for the effective implementation of the AAP. Responsibility is likewise vested with each department manager and supervisor. Tarleton's compliance process is designed to:

1. Monitor the effectiveness of the AAP/EEO program;
2. Monitor records of all personnel activities, including referrals, placements, transfers, promotions, terminations and compensation at all levels to assure the policy of non-discrimination against individuals with a disability and Protected Veterans is carried out;
3. Identify problem areas where remedial action is needed;
4. Determine the degree to which Tarleton's AAP goals and objectives have been obtained;
5. Review results with all levels of management;
6. Advise top management of program effectiveness and submit recommendations for improvement.

IX. RESPONSIBILITY FOR IMPLEMENTATION [41 C.F.R. § 60-741.44(i) and 41 C.F.R. § 60-300.44(i)]

The President of Tarleton State University is responsible for the implementation and administration of the AAP. As the chief administrator of the AAP, the President has delegated to the vice presidents, executive directors, deans, department heads, program directors, managers, supervisors, and faculty the authority and responsibility for carrying out this plan at each corresponding level.

As specified in the Equal Employment Opportunity/Affirmative Action Statement, the Affirmative Action Officer (AAO) is charged with the administrative responsibility for ensuring compliance in both faculty and non-faculty employment activities. In fulfilling these responsibilities, the AAO will:

1. Serve as liaison between Tarleton and The Texas A&M University System's Office of Equal Opportunity and Diversity, and outside regulatory/enforcement agencies;
2. Prepare the annual AAP;
3. Review, or ensure the review of, all faculty and non-faculty hiring and promotion activities for compliance purposes;
4. Require all Tarleton employees to complete an on-line discrimination training within the first 30 days of hire and every two years.
5. Disseminate the AAP statement, per the dissemination plan, to all employees annually.
6. Recommend affirmative action goals to the President;
7. Monitor personnel actions and determine the degree to which goals and objectives have been attained;

The Executive/Administrative/Managerial Officers of Tarleton State University will:

1. Review and affirm on an annual basis the principles and institutional plan of affirmative action.
2. Ensure that disabled and protected veteran employees are encouraged and given equal opportunities for transfers and promotions.
3. Encourage disabled and protected veteran employees to participate in all Tarleton sponsored educational and social activities.
4. Require supervisors to take actions to ensure that employees in protected categories are not harassed.
5. Work with local organizations for the disabled, veterans, community action groups, and community service programs.

Tarleton State University will ensure an appropriate climate or environment by:

1. Recognizing our obligation to provide a work atmosphere free from harassment and intimidation.
2. Agreeing to make reasonable accommodations to ensure compliance with the Americans with Disability Act when an employee makes such a request. In determining the extent of the hardship such accommodations might make, the University considers the following factors; (a) business necessity; (b) financial costs and expenses; and (c) resulting staffing problems;

3. Ensuring its education and training programs provide equal access to all employees as we give employee or applicant the skills to make sound decisions regarding hiring and promoting without regard to protected status.

X. TRAINING [41 C.F.R. § 60-741.44(j) and 41 C.F.R. § 60-300.44(j)]

Tarleton State University trains all personnel involved in the recruitment, screening, selection, promotion, disciplinary and related process to assure that the commitments in the university's equal employment opportunity and affirmative action programs are implemented as to individuals with a disability and Protected Veterans.

1. Hiring managers and supervisors are provided with online training materials, tools and resources on the Human Resources web site to advance the university's commitment to equal opportunity, affirmative action and diversity, and to provide for fair, consistent and documented hiring decisions.
2. Training and counseling is available to all employees in order to gain positive support and understanding of this AAP for individuals with a disability and for Protected Veterans. The university may conduct special seminars and conferences to address topics pertinent to affirmative action, equal employment opportunity and ADA.
3. Newly hired employees are required to complete within 30 days of employment, and incumbent employees must retake every two years, the online training course supporting EEO/AA, "Creating a Discrimination-Free Workplace," available on the Texas A&M University System web site.

DEFINITIONS

Disability – The term “disability” means, with respect to an individual, (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such impairment; or (c) being regarded as having such an impairment.

Major Life Activities – Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Qualified Individual with a Disability – A qualified individual with a disability means an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable Accommodations – Reasonable accommodations may include making existing facilities used by employees, students, and the public readily accessible to and usable by individuals with disabilities; job restructuring, part-time or modified work schedules; reassignment to a vacant position, acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

Regarded as Having a Disability - The individual establishes that he or she has been subjected to an action prohibited under this regulation because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. However, this will not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

Undue Hardship - Undue hardship means an action requiring significant difficulty or expense, when considered in light of the following factors:

- (a) The nature and cost of the accommodation
- (b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility, effect on expenses and resources; or the impact otherwise of such accommodation upon the operation of the facility;
- (c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

- (d) The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.