



WHAT TO DO IF YOU RECEIVE AN OFCCP AUDIT LETTER

1. Don't panic! Check the date you received the letter. Remember, you only have thirty days from the date that you received the letter to respond to the OFCCP.
2. Call Employers Council for guidance as soon as possible. Scan and email or fax a copy of the audit letter for us to review.
3. Determine if the audit letter is valid with help from Employers Council.
4. Please do NOT send any documents or your AAP to the OFCCP without consulting Employers Council first.
5. You will NOT send this entire AAP to the OFCCP. Employers Council will prepare an audit-ready AAP for you to send to the OFCCP.
6. Employers Council will work with you to prepare you for the audit process and support you during the audit process.

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University of Northern Colorado

Greeley, CO 80639

**AFFIRMATIVE ACTION PROGRAM
FOR
INDIVIDUALS WITH DISABILITIES**

Program Narrative

11/01/2017 - 10/31/2018

**EQUAL EMPLOYMENT OPPORTUNITY
AFFIRMATIVE ACTION PROGRAM (AAP)
FOR
INDIVIDUALS WITH DISABILITIES**

OF

University of Northern Colorado
Greeley, CO

Plan Effective Date: 11/01/2017

Plan Expiration Date: 10/31/2018

Name/Address of Location: University of Northern Colorado
501 20th Street
Greeley, CO 80639

EEO Coordinator: Lawrence Loften

Title: Chief Conduct Officer, Title IX

Approved By: Marshall Parks

Title: Director of Human Resources

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AFFIRMATIVE ACTION PROGRAM

INTRODUCTION

The following Affirmative Action Program (“AAP”) has been developed in accordance with contract compliance regulations from the Federal Government’s Rehabilitation Act of 1973 for Individuals with Disabilities.

The scope of this Affirmative Action Program includes all departments of University of Northern Colorado. This document:

- Specifies our equal employment policy along with a detailed description of how that policy is implemented;
- Establishes goals for specific areas of the workforce; and,
- Outlines the efforts that will be taken to ensure that the Affirmative Action Program is implemented.

University of Northern Colorado has an on-going commitment to the goals of equal opportunity and affirmative action programs. This document was developed to meet the needs of personnel in implementing the affirmative action program during the current program year.

CONFIDENTIALITY

This Affirmative Action Program contains confidential information that is subject to the provisions of 18 U.S.C. §1905. *Chrysler Corp. v. Brown*, 441, U.S. 281, 19 FEP 475 (1979).

Copies of this Affirmative Action Program and all related appendices, documents and supporting data are made available on loan to the U.S. Government upon the request of the U.S. Government on the condition that the U.S. Government hold them totally confidential and not release copies to any person whatsoever. This Affirmative Action Program and its appendices and other supporting documents contain confidential information that may reveal, directly or indirectly, the organization's plans for business or geographical expansion or contraction. University of Northern Colorado considers this Affirmative Action Program to be exempt from disclosure, reproduction and distribution under the Freedom of Information Act upon the grounds, among others, that such materials constitute: (1) personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, which are exempt from disclosure under 5 U.S.C. §552(b) (6); (2) confidential, commercial or financial information, which is exempt from disclosure under 5 U.S.C. §552 (b) (4); (3) investigatory records compiled for law enforcement purposes, the reproduction of which are exempt from disclosure under 5 U.S.C. §552(b) (7) (C); and as (4) matters specifically exempt from disclosure by statute, which are exempt from disclosure under 5 U.S.C. §552(b) (3).

Specifically, University of Northern Colorado does not consent to the release of any information whatsoever contained in this Affirmative Action Program under the Freedom of Information Act or otherwise. If the U.S. Government, or any agency or subdivision thereof, is considering a request for release of this plan under the Freedom of Information Act, request is hereby made that the Government immediately notify the Chief Executive Officer of University of Northern Colorado of any and all Freedom of Information Act requests received by the Government or any other contemplated release of this plan by the Government which relates to information obtained by the Government from the company.

University of Northern Colorado further requests that everyone who has any contact with this Affirmative Action Program, or its supporting appendices, documents and other data, treat such information as totally confidential and that such information not be released to any person whatsoever.

Retention or disclosure of information relating to identifiable individuals may also violate the Privacy Act of 1974.

PROGRAM TERMINOLOGY

The terms “incumbency to availability analysis,” “utilization,” “problem area,” and “adverse impact” or “goals,” appearing in this Affirmative Action Program, are terms University of Northern Colorado is required to use herein pursuant to Federal Government regulations. The criteria used in relation to these terms are those specified by the Federal Government. These terms have no independent legal or factual significance, although University of Northern Colorado will use the terms in total good faith in connection with its Affirmative Action Program. Such usage does not necessarily signify that University of Northern Colorado agrees that these terms are properly applied to any factual situation.

Whenever the term “placement goal” is used, the following two major principles should be applied:

- 1) Placement goals may not be rigid and inflexible quotas. Quotas are expressly forbidden.
- 2) In all employment decisions, University of Northern Colorado must make selections in a nondiscriminatory manner. Placement goals do not provide the contractor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual’s employment status, on the basis of that person’s race, color, religion, sex, gender identity, sexual orientation, national origin, disability or protected veteran status.

SECTION I

AVAILABILITY OF THE AFFIRMATIVE ACTION PROGRAM (41 CFR 60-741.41)

The full affirmative action program, absent the data metrics required by § 60-741.44(k), shall be available to any employee or applicant for employment for inspection upon request. The location and hours, during which the program may be obtained, will be posted at each establishment.

SECTION II

INVITATION TO SELF-IDENTIFY

(41 CFR 60-741.42)

University of Northern Colorado offers individuals the opportunity to self-identify as an individual with a disability as follows:

- (a) The opportunity to self-identify as an individual with a disability as defined in § 60-741.2(g)(1)(i) or (ii) will be offered to all applicants who meet the definition of an Internet Applicant as defined in 41 CFR § 60-1.3;
- (b) The opportunity to self-identify will be offered to all applicants after a job offer has been extended, but prior to the applicant beginning work; and
- (c) University of Northern Colorado will invite all employees to voluntarily self-identify as Individuals with Disabilities every five years. At least once within the five-year interval, University of Northern Colorado will remind employees that they can update their disability status at any time.

University of Northern Colorado uses the invitation to self-identify published by the OFCCP and approved by the Office of Management and Budget. Applicants and Employees are informed that self-identification is voluntary and that the information will be kept confidential. Applicants and employees are also informed that refusal to provide it will not subject the applicant or employee to any adverse treatment and that the information will only be used in accordance with affirmative action laws and regulations.

The self-identification forms for Individuals with Disabilities will be stored confidentially in a separate Data Analysis File. This information will be provided to Government representatives upon request.

SECTION III

EQUAL EMPLOYMENT POLICY

(41 CFR 60-741.44(a))

University of Northern Colorado undertakes affirmative action as described, to recruit, hire, train and promote persons in all job titles, and ensure that all personnel actions, including compensation, are administered without regard to disability; and that employment decisions are based only on valid job requirements. In offering employment or promotions to individuals with disabilities, University of Northern Colorado will also ensure that the compensation offered is not reduced based upon any other income related to disability-related income or benefits.

It is our policy that employees and applicants are not subjected to harassment, intimidation, threats, coercion or discrimination merely because they have engaged or may engage in the any of the following activities:

- 1) filing a complaint;
- 2) assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of section 503 or any other Federal, State, or local law requiring equal opportunity for individuals with disabilities;
- 3) opposing any act or practice made unlawful by section 503 or its implementing regulations;
or
- 4) exercising any other right protected by section 503 or its implementing regulations.

To ensure equal employment opportunity and fair treatment, University of Northern Colorado will periodically measure the effectiveness of its overall affirmative action program efforts. Lawrence Loftin, Chief Conduct Officer, Title IX, is assigned overall responsibility for the implementation of University of Northern Colorado's affirmative action program.

The EEO Policy statement is posted on the company bulletin board along with the required employment posters and is viewable by both employees and applicants. The "EEO is the Law" poster is also available on the Careers Website for viewing by online applicants, if applicable.

SECTION IV

REVIEW OF PERSONNEL PROCESSES

(41 CFR 60-741.44(b))

University of Northern Colorado reviews personnel processes on an annual or recurring basis, as the position is undergoing preparation for recruitment to determine whether its present processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities. This review covers all procedures related to the filling of job vacancies either by hire or by promotion, as well as all training opportunities offered or made available to employees. University of Northern Colorado ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. Whenever requested, the company will provide necessary reasonable accommodation to ensure applicants and employees with disabilities receive equal employment opportunity in the operation of personnel processes.

University of Northern Colorado will not stereotype individuals with disabilities in a manner, which limits their access to all jobs for which they are qualified. The company periodically reviews its employment processes and will make any necessary modifications, if needed, to ensure that these obligations are carried out.

The present personnel procedures are adequate and, at this time, modifications are not necessary.

SECTION V

PHYSICAL AND MENTAL QUALIFICATIONS

(41 CFR 60-741.44(c))

The physical and mental job qualification standards of all jobs are reviewed before they are posted, to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities, they are related to the job(s) in question and consistent with business necessity and the safe performance of the job. They are also reviewed as new jobs are established or job requirements are modified to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities, job qualifications are job-related for the position in question, consistent with business necessity and the safe performance of the job. University of Northern Colorado conducts periodic reviews of all qualification standards to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities they are job-related and consistent with business necessity.

No physical or mental qualification requirements were identified which had a screening effect. All job qualification requirements were found to be job-related and consistent with business necessity and safety. If the company finds that any qualification standards tend to screen out qualified individuals with disabilities, it understands that it carries the burden to demonstrate qualification standards that tend to screen out qualified individuals with disabilities are job-related and consistent with business necessity.

University of Northern Colorado will continue to review physical and mental job qualification requirements whenever a job is vacated and the company intends to fill it through hiring, promotion or transfer and will conduct a qualifications review whenever job duties change or a change in work environment occurs.

If at any time University of Northern Colorado should inquire into an employee's physical or mental condition or should conduct a medical examination prior to a change in employment status, University of Northern Colorado affirms that information obtained as a result of the inquiry will be kept confidential, except as otherwise provided for in Section 503 of the Rehabilitation Act of 1973 regulations. The results of the examination or inquiry will be used in accordance with the aforementioned regulations:

- (a) Supervisors, managers, and company officials may be informed regarding restrictions and accommodations for the work or duties of individuals with a disability.
- (b) Employees familiar with first aid may be informed, where and to the extent appropriate, if an individual with a disability might require emergency treatment.
- (c) OFCCP officials investigating compliance with either the 1973 Rehabilitation Act or VEVRAA, as amended.

SECTION VI

REASONABLE ACCOMMODATIONS TO PHYSICAL AND MENTAL LIMITATIONS OF EMPLOYEES

(41 CFR 60-741.44(d))

University of Northern Colorado will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability, unless it can be shown that the accommodation would impose an undue hardship on the operation of the business. In determining the extent of the accommodation to be made, business necessity and financial costs may be considered.

When appropriate, if an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, University of Northern Colorado will confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, University of Northern Colorado will confidentially inquire whether the employee is in need of a reasonable accommodation.

Information on individuals with disabilities will be kept confidential except in the following situations:

- (a) Supervisors and managers may be informed regarding restrictions to the work or duties of the individual and regarding needed reasonable accommodations;
- (b) First Aid and Safety personnel may be informed where and to the extent appropriate, if the condition might require emergency treatment; and
- (c) Government Officials engaged in enforcing the Rehabilitation Act, VEVRAA, and the ADA may be informed.

SECTION VII

HARASSMENT OF INDIVIDUALS PROHIBITED

(41 CFR 60-741.44(e))

University of Northern Colorado will ensure that individuals with disabilities are not harassed because of known physical or mental limitations. Employees and applicants of University of Northern Colorado will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding EEO for individuals with disabilities. Any employees or applicants who feel that they have been subject to harassment, intimidation, threats, coercion, or discrimination because of their disability should promptly contact a manager in their chain of command, or promptly contact the EEO Coordinator for assistance.

A copy of our Harassment Policy is available in Human Resources and on company bulletin boards.

SECTION VIII

EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT (41 CFR 60-741.44(f))

University of Northern Colorado has reviewed our employment practices to determine whether personnel programs provide effective affirmative action for employment and advancement of qualified individuals with disabilities. As appropriate, University of Northern Colorado may undertake to do one or more of the following:

- (a) Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for individuals with disabilities, in order to fulfill its commitment to provide equal employment opportunity for such individuals:
 - i. The State Vocational Rehabilitation Service Agency (SVRA), State mental health agency, or State developmental disability agency in the area of the contractor's establishment;
 - ii. The Employment One-Stop Career Center (One-Stop) or American Job Center nearest the contractor's establishment;
 - iii. The Department of Veterans Affairs Regional Office nearest the contractor's establishment (www.va.gov);
 - iv. Entities funded by the Department of Labor that provide recruitment or training services for individuals with disabilities, such as the services currently provided through the Employer Assistance and Resource Network (EARN) (www.earnworks.com);
 - v. Local Employment Network (EN) organizations (other than the contractor, if the contractor is an EN) listed in the Social Security Administration's Ticket to Work Employment Network Directory (www.yourtickettowork.com/endir);
 - vi. Local disability groups, organizations, or Centers for Independent Living (CIL) near the contractor's establishment;
 - vii. Placement or career offices of educational institutions that specialize in the placement of individuals with disabilities; and
 - viii. Private recruitment sources, such as professional organizations or employment placement services that specialize in the placement of individuals with disabilities.
- (b) University of Northern Colorado will also consider taking the actions listed below to fulfill its commitment to provide equal employment opportunities to individuals with disabilities:
 - i. Formal briefing sessions, preferably on company premises, with representatives from recruiting sources. Contractor tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature may be an integral part of the briefing. At any such briefing sessions, the company official in charge of the contractor's affirmative action program will be in attendance when possible. Formal arrangements will be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.
 - ii. Recruitment efforts at all educational institutions will incorporate special efforts to reach students who are individuals with disabilities.
 - iii. Effort may be made to participate in work-study programs for students, trainees, or interns with disabilities. Such programs may be located through outreach to State and local schools and universities, and through EARN.

- iv. Individuals with disabilities may be made available for participation in career days, youth motivation programs, and related activities in their communities.
- v. University of Northern Colorado may take any other positive steps it deems necessary to attract individuals with disabilities not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These individuals may be located through State and local agencies supported by the U.S. Department of Education's Rehabilitation Services Administration (RSA) (<http://rsa.ed.gov/>), local Ticket-to-Work Employment Networks, or local chapters of groups or organizations that provide services for individuals with disabilities.
- vi. University of Northern Colorado, in making hiring decisions, may consider applicants who are known to have disabilities for all available positions for which they may be qualified when the position(s) applied for is unavailable.

Documentation and Assessment of the Effectiveness of Outreach and Recruitment Activities

University of Northern Colorado annually reviews the outreach and recruiting efforts taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified individuals with disabilities.

University of Northern Colorado will document each evaluation, including, at a minimum the following criteria used to evaluate the effectiveness of each effort and University of Northern Colorado's conclusion as to whether each effort was effective:

- (a) To what extent did the activity attract qualified applicants with disabilities?
- (b) To what extent did the activity result in the hiring of qualified individuals with disabilities?
- (c) To what extent did the activity expand University of Northern Colorado's outreach to individuals with disabilities in the community?
- (d) To what extent did the activity increase University of Northern Colorado's capacity/capability to include individuals with disabilities in the workforce?

If University of Northern Colorado concludes that the totality of its efforts were not effective in identifying and recruiting qualified individuals with disabilities, it will identify and implement alternative efforts to fulfill its obligations.

University of Northern Colorado will document all activities it undertakes to comply with the obligations of this section and will retain these documents for three (3) years.

SECTION IX

INTERNAL DISSEMINATION OF POLICY

(41 CFR 60-741.44(g))

To ensure greater employee participation in our affirmative action program, University of Northern Colorado has developed internal procedures to engage in efforts to employ and advance in employment, qualified individuals with disabilities. We may undertake the following activities in an effort to foster understanding, acceptance and support among managers and employees:

- (a) Include University of Northern Colorado's policy on equal employment opportunity in our Employee Handbook;
- (b) Inform employees and prospective employees of our commitment to engage in affirmative action to increase employment opportunities for individuals with disabilities.
- (c) Publicize our EEO policy in the Annual Report, newsletter and other media, as appropriate.
- (d) During management and employee meetings, include discussion of the intent of the EEO policy and individual responsibility for effective implementation, making clear the Chief Executive Officer's support for the affirmative action policy.
- (e) Discuss the EEO policy in employee orientation and management training programs.
- (f) Where appropriate, include articles on accomplishments of disabled workers in company publications.
- (g) Communicate on a regular basis University of Northern Colorado's policy regarding non-harassment of individuals with disabilities.

SECTION X

AUDIT AND REPORTING SYSTEM

(41 CFR 60-741.44(h))

University of Northern Colorado has developed an audit and reporting system that measures the effectiveness of our affirmative action program. The system includes the following elements:

- (a) Measures the effectiveness of the company's affirmative action program.
- (b) Identifies any problem areas where remedial action is needed.
- (c) Determines the degree to which affirmative action goals and objectives have been attained.
- (d) Determines whether individuals with known disabilities have had the opportunity to participate in company sponsored educational, training, recreational and social activities.
- (e) Measures University of Northern Colorado's compliance with specific affirmative action program obligations.
- (f) Where an affirmative action program element is found to be deficient, University of Northern Colorado will undertake necessary actions to bring the program into compliance.
- (g) Document the actions taken to comply with obligations mentioned above and retain these documents as employment records subject to recordkeeping requirements.

The following activities are reviewed at least annually to ensure freedom from stereotyping individuals with disabilities in any manner, including that which may limit their access to any job for which they are qualified:

- (a) Recruitment, advertising, and job application procedures;
- (b) Hiring, promotion, upgrading, layoff, recall from layoff;
- (c) Rates of pay and any other forms of compensation including fringe benefits. In offering employment or opportunities to individuals with disabilities, the company is aware that the amount of compensation offered cannot be reduced because of any income based upon a disability-related pension or other disability-related benefit the applicant or employee receives from another source;
- (d) Job assignments, job classifications, job descriptions, and seniority lists;
- (e) Sick leaves, leaves of absence, or any other leave;
- (f) Training, attendance at professional meetings and conferences; and
- (g) Any other term, condition, or privilege of employment.

University of Northern Colorado's audit system includes periodic reports documenting University of Northern Colorado's efforts to achieve its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. During the reporting, the following occurs:

- (a) The Chief Conduct Officer, Title IX will discuss any identified problem areas with management; and
- (b) The Chief Conduct Officer, Title IX will report the status of the company's AAP goals and objectives to management. The Chief Conduct Officer, Title IX will recommend remedial actions for the effective Implementation of the AAP.

SECTION XI

RESPONSIBILITY FOR IMPLEMENTATION

(41 CFR 60-741.44(i))

RESPONSIBILITIES OF THE EEO COORDINATOR:

Lawrence Lofton, the Chief Conduct Officer, Title IX is responsible for the overall execution, implementation and monitoring of the Affirmative Action Program for Individuals with Disabilities with the support of all management. The Chief Conduct Officer, Title IX has full support from senior management and staff needed to manage the implementation of the program.

Those responsibilities shall include, but not be limited to, the following:

- (a) The development of the AAP for individuals with disabilities, policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions;
- (b) Reviewing all personnel actions, policies, and procedures to ensure compliance with University of Northern Colorado's Affirmative Action obligations;
- (c) Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur;
- (d) Assisting in the identification of problem areas and the development of solutions to those problems;
- (e) Monitoring the effectiveness of the program on a continuing basis through the development and implementation of an internal audit- and reporting- system that measures the effectiveness of the program;
- (f) Keeping management informed of equal opportunity progress and problems within the company through, at a minimum, periodic reports;
- (g) Providing department managers with a copy of the AAP for Individuals with Disabilities and reviewing the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program;
- (h) Reviewing the company's AAP for individuals with disabilities with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
- (i) Auditing the contents of company bulletin boards annually to ensure that compliance information is posted and is up-to-date;
- (j) Serving as a liaison between University of Northern Colorado and enforcement agencies; and
- (k) Serving as a liaison between University of Northern Colorado and organizations for individuals with disabilities.

RESPONSIBILITIES OF MANAGERS AND SUPERVISORS:

Managers and supervisors are advised annually of their responsibilities under the company's AAP for individuals with disabilities and of their obligations to:

- (a) Review the company's Affirmative Action policy for individuals with disabilities with subordinate managers and supervisors to ensure that they are aware of the policy and understand their obligation to comply with it in all personnel actions;
- (b) Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary;
- (c) Review the qualifications of all applicants and employees to ensure individuals with disabilities are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur; and
- (d) Review all employees' performance to ensure that non-discrimination is adhered to in all personnel activities.

SECTION XII

TRAINING (41 CFR 70-741.44(j))

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will be trained to ensure that the commitments in University of Northern Colorado's affirmative action program are implemented.

SECTION XIII

DATA COLLECTION ANALYSIS

(41 CFR 60-741.44(k))

University of Northern Colorado will document the following computations or comparisons pertaining to applicants and hires on an annual basis, and maintain them for a period of three (3) years:

- (a) The number of applicants who self-identified as individuals with disabilities pursuant to §60-741.42(a), or who are otherwise known to be individuals with disabilities;
- (b) The total number of job openings and total number of jobs filled;
- (c) The total number of applicants for all jobs;
- (d) The number of applicants with disabilities hired; and
- (e) The total number of applicants hired.

For the purposes of data collection analysis pursuant to 41 CFR 60-741.44(k), the following definitions are used:

The “total number of job openings” refers to the number of individual positions advertised as open in a job vacancy announcement or requisition. For example, if one job vacancy announcement or requisition includes five open positions and results in four hires, the contractor would document this as five job openings and four jobs filled.

In the context of the data collection requirements of 60-741.44(k), jobs “filled” refers to all jobs the company filled by any means, be it through a competitive process or non-competitively, e.g., through reassignment or merit promotion. It, therefore, takes into account both new hires into the company and those employees who were placed into new positions via promotions, transfers, and reassignments. In contrast, the number of those “hired” refers solely to those applicants (both internal and external to the contractor) who are hired through a competitive process, including promotions.

Both competitive and non-competitive movements may qualify as “jobs filled,” so long as the movement is one into a different position, rather than simply a movement within the same position. This will necessarily be a fact-based determination. So, for example, a time-driven salary increase from one “step” to the next within the same position would not be a “job filled,” since there was not any movement into a new position. By contrast, if an apprentice completes a certification program and moves into a journeyman position, then such movement would be a “job filled,” since it is a movement from one position to another.

SECTION XIV
UTILIZATION GOALS
(41 CFR 60-741.45)

The OFCCP has established a utilization goal of 7% for employment of qualified individuals with disabilities for each job group in the contractor's workforce, or for the contractor's entire workforce if the contractor has a total workforce of 100 or fewer employees.

SECTION XV
UTILIZATION ANALYSIS
(41 CFR 60-741.45(d))

University of Northern Colorado will conduct a utilization analysis to evaluate the representation of individuals in each job group in the workforce.

University of Northern Colorado will use the same job groups established for utilization analyses under Executive Order 11246, unless the total workforce is fewer than 100 employees. For companies with fewer than 100 employees, the contractor may measure the representation of individuals with disabilities in its entire workforce with the utilization goal established by the OFCCP.

University of Northern Colorado will annually evaluate its utilization of individuals with disabilities in each job group.

SECTION XVI

IDENTIFICATION OF PROBLEM AREAS (41 CFR 60-741.45(e))

When the percentage of individuals with disabilities in one or more job groups, [or in a contractor's entire workforce if there are fewer than 100 employees in the workforce] is less than the utilization goal established by the OFCCP, University of Northern Colorado will take steps to determine whether and where impediments to equal employment opportunity exist. When making this determination, University of Northern Colorado will assess its personnel processes, the effectiveness of its outreach and recruitment efforts, the results of its affirmative action program audit, and any other areas that might affect the success of the affirmative action program.

SECTION XVII

ACTION-ORIENTED PROGRAMS (41 CFR 60-741.45(f), (g), and (h))

University of Northern Colorado will develop and execute action-oriented programs designed to correct any identified problem areas. These may include:

- (a) Modification of personnel processes;
- (b) Alternative or additional outreach and recruitment efforts; and
- (c) Any other actions designed to correct the identified problem areas and attain the established goal.

University of Northern Colorado's determination that it has not attained the utilization goal established by the OFCCP in one or more job groups does not constitute either a finding or admission of discrimination in violation of regulations.

The utilization goal established by the OFCCP shall not be used as a quota or ceiling that limits or restricts the employment of individuals with disabilities.

SECTION XVIII

RECORDKEEPING

(41 CFR 60-741.80))

Generally speaking, personnel or employment records made or kept will be preserved for a period of two years from the date of the record or the personnel action involved, whichever occurs later. Records include, but are not limited to:

- (a) Records relating to requests for reasonable accommodations;
- (b) The results of any physical examination;
- (c) Job advertisements and postings;
- (d) Applications and resumes;
- (e) Tests and test results;
- (f) interview notes; and
- (g) other records having to do with hiring, assignment, promotion, demotion, transfer, lay-off, or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship;
- (h) In the case of involuntary terminations, personnel records shall be kept for a period of two years from the date of the termination; and
- (i) Where a complaint of discrimination has been filed, a compliance review initiated, or an enforcement action has commenced, all personnel records relevant to the situation shall be preserved until final disposition of the action.
- (j) Records required by §60-741.44(f)(4) and 60-741.44(k) will be maintained for a period of three years from the date of the making of the record.

Record keeping requirements apply only to records made or kept on or after August 29, 1996.

SECTION XIX

DEFINITIONS

(41 CFR 60-741.2)

(a) **Act** means the Rehabilitation Act of 1973, as amended, 29 U.S.C. 706 and 793.

(b) **Compliance evaluation** means any one or combination of actions OFCCP may take to examine a Federal contractors or subcontractors compliance with one or more of the requirements of section 503 of the Rehabilitation Act of 1973.

(c) **Contract** means any Government contract or subcontract.

(d) **Contractor** means, unless otherwise indicated, a prime contractor or subcontractor holding a contract in excess of \$10,000.

(e) **Direct threat** means 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. The determination that an individual with a disability poses a direct threat shall be based on an individualized assessment of the individual's present ability to perform safely the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

- (1) The duration of the risk;
- (2) The nature and severity of the potential harm;
- (3) The likelihood that the potential harm will occur; and
- (4) The imminence of the potential harm.

(f) **Director** means the Director, Office of Federal Contract Compliance Programs of the United States Department of Labor, or his or her designee.

(g) **Disability**

(1) The term disability means, with respect to an individual:

- (i) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- (ii) A record of such an impairment; or
- (iii) Being regarded as having such an impairment (as defined in paragraph (v) of this section)

(2) As used in this part, the definition of "disability" must be construed in favor of broad coverage of individuals, to the maximum extent permitted by law. The question of whether an individual meets the definition under this part should not demand extensive analysis.

(3) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(4) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(5) See paragraphs (m), (o), (t), (v), and (z) of this section, respectively, for definitions of “major life activities,” “physical or mental impairment,” “record of such an impairment,” “regarded as having such an impairment,” and “substantially limits.”

(6) See §60-741.3 for exceptions to the definition of “disability.”

(h) **Equal opportunity clause** means the contract provisions set forth in §60-741.5, “Equal opportunity clause.”

(i) **Essential functions—**

(1) In general. The term essential functions means fundamental job duties of the employment position the individual with a disability holds or desires. The term essential functions, does not include the marginal functions of the position.

(2) A job function may be considered essential for any of several reasons, including but not limited to the following:

- (i) The function may be essential because the reason the position exists is to perform that function;
- (ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
- (iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(3) Evidence of whether a particular function is essential includes, but is not limited to:

- (i) The contractor's judgment as to which functions are essential;
- (ii) Written job descriptions prepared before advertising or interviewing applicants for the job;
- (iii) The amount of time spent on the job performing the function;
- (iv) The consequences of not requiring the incumbent to perform the function;
- (v) The terms of a collective bargaining agreement;
- (vi) The work experience of past incumbents in the job; and/or
- (vii) The current work experience of incumbents in similar jobs.

(j) **Government** means the Government of the United States of America.

(k) **Government contract** means any agreement or modification thereof between any contracting agency and any person for the purchase, sale or use of personal property or non-personal services (including construction). The term Government contract does not include agreements in which the parties stand in the relationship of employer and employee, and federally assisted contracts.

(1) Construction, as used in paragraphs (k) and (x)(1) of this section, means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including locations providing utility services. The term also includes the supervision, inspection, and other on-site functions incidental to the actual construction.

(2) Contracting agency means any department, agency, establishment, or instrumentality of the United States, including any wholly owned Government corporation, which enters into contracts.

(3) Modification means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(4) Non-personal services, as used in paragraphs (k) and (x)(1) of this section, includes, but is not limited to, the following: utility, construction, transportation, research, insurance, and fund depository.

(5) Person, as used in paragraphs (k), (p), (u), (x), and (y) of this section, means any natural person, corporation, partnership or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

(6) Personal property, as used in paragraphs (k) and (x)(1) of this section, includes supplies and contracts for the use of real property (such as lease arrangements), unless the contract for the use of real property itself constitutes real property (such as easements).

(l) **Individual with a disability**—See definition of “disability” in paragraph (g) of this section.

(m) **Major life activities**

(1) In general. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

(2) Major bodily functions. For purposes of paragraph (m)(1) of this section, a major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

(3) In determining other examples of major life activities, the term “major” shall not be interpreted strictly to create a demanding standard for disability. Whether an activity is a “major life activity” is not determined by reference to whether it is of “central importance to daily life.”

(n) **Mitigating measures**

(1) In general. The term mitigating measures includes, but is not limited to:

(i) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(ii) Use of assistive technology;

(iii) Reasonable accommodations or “auxiliary aids or services” (as defined by 42 U.S.C. 12103(1));

(iv) Learned behavioral or adaptive neurological modifications; or

(v) Psychotherapy, behavioral therapy, or physical therapy.

(2) Ordinary eyeglasses or contact lenses. The term ordinary eyeglasses or contact lenses means lenses that are intended to fully correct visual acuity or to eliminate refractive error.

(3) Low-vision devices. The term low-vision devices means devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses.

(4) Auxiliary aids and services. The term auxiliary aids and services includes—

- (i) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (ii) Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (iii) Acquisition or modification of equipment or devices; and
- (iv) Other similar services and actions.

(o) **Physical or mental impairment** means:

- (1) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (2) Any mental or psychological disorder, such as an intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(p) **Prime contractor** means any person holding a contract in excess of \$10,000, and, for the purposes of subpart D of this part, “General Enforcement and Complaint Procedures,” includes any person who has held a contract subject to the act.

(q) **Qualification standards** means the personal and professional attributes including the skill, experience, education, physical, medical, safety, and other requirements established by the contractor as requirements which an individual must meet in order to be eligible for the position held or desired.

(r) **Qualified individual** means an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. See §60-741.3 for exceptions to this definition.

(s) **Reasonable accommodation—**

(1) In general. The term reasonable accommodation means modifications or adjustments:

- (i) To a job application process that enable a qualified applicant with a disability to be considered for the position such applicant desires;¹ or
- (ii) To the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

¹ A contractor's duty to provide a reasonable accommodation with respect to applicants with disabilities is not limited to those who ultimately demonstrate that they are qualified to perform the job in issue. Applicants with disabilities must be provided a reasonable accommodation with respect to the application process if they are qualified with respect to that process (e.g., if they present themselves at the correct location and time to fill out an application).

(iii) That enable the contractor's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by the contractors other similarly situated employees without disabilities.

(2) Reasonable accommodation may include but is not limited to:

(i) Making existing locations used by employees readily accessible to and usable by individuals with disabilities; and

(ii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustments or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation it may be necessary for the contractor to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation.² This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

(4) Individuals who meet the definition of "disability" solely under the "regarded as" prong of the definition of "disability" as defined in paragraph (v)(1) of this section are not entitled to receive reasonable accommodation.

(t) **Record of such impairment** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. An individual shall be considered to have a record of a disability if the individual has a history of an impairment that substantially limited one or more major life activities when compared to most people in the general population, or was misclassified as having had such an impairment.

(u) **Recruiting and training agency** means any person who refers workers to any contractor, or who provides or supervises apprenticeship or training for employment by any contractor.

(v) **Regarded as having such an impairment**

(1) Except as provided in paragraph (v)(4) of this section, an individual is regarded as having such an impairment if the individual is subjected to an action prohibited under subpart B (Discrimination Prohibited) of these regulations because of an actual or perceived physical or mental impairment, whether or not the impairment substantially limits or is perceived to substantially limit a major life activity. Prohibited actions include but are not limited to refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment.

(2) Except as provided in paragraph (v)(4) of this section, an individual is regarded as having such an impairment any time a contractor takes a prohibited action against the individual because of an actual or perceived impairment, even if the contractor asserts, or may or does ultimately establish a defense to such action.

(3) Establishing that an individual is regarded as having such an impairment does not, by itself, establish liability for unlawful discrimination in violation of this part. Such liability is established

² Before providing a reasonable accommodation, the contractor is strongly encouraged to verify with the individual with a disability that the accommodation will effectively meet the individual's needs.

only when an individual proves that a contractor discriminated on the basis of disability as prohibited by this part.

(4) Impairments that are transitory and minor. Paragraph (v)(1) of this section shall not apply to an impairment that is shown by the contractor to be transitory and minor. The contractor must demonstrate that the impairment is both “transitory” and “minor.” Whether the impairment at issue is or would be “transitory and “minor” is to be determined objectively. The fact that a contractor subjectively believed the impairment was transitory and minor is not sufficient to defeat an individual's coverage under paragraph (v)(1) of this section.

(i) An impairment is transitory if it has an actual or expected duration of six months or less.

(w) **Secretary** means the Secretary of Labor, United States Department of Labor, or his or her designee.

(x) **Subcontract** means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the purchase, sale or use of personal property or non-personal services (including construction) which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(y) **Subcontractor** means any person holding a subcontract in excess of \$10,000 and, for the purposes of subpart D of this part, “General Enforcement and Complaint Procedures,” any person who has held a subcontract subject to the act.

(z) **Substantially limits**

(1) In general. The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by law. Substantially limits are not meant to be a demanding standard and should not demand extensive analysis.

(i) An impairment is substantially limiting within the meaning of this section if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered “substantially limiting.” Nonetheless, not every impairment will constitute a disability within the meaning of this section.

(ii) The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical analysis. However, nothing in this section is intended to prohibit the presentation of scientific, medical, or statistical evidence to make such a comparison where appropriate.

(iii) In determining whether an individual is substantially limited in a major life activity, it may be useful in appropriate cases to consider, as compared to most people in the general population, the condition under which the individual performs the major life activity; the manner in which the individual performs the major life activity; and/or the duration of time it takes the individual to perform the major life activity, or for which the individual can perform the major life activity. This may include consideration of facts such as the difficulty, effort, or time required to perform a major life activity; pain experienced when performing a major life activity; the length of time a major life activity can be performed; and/or the way an impairment affects the operation of a major bodily function.

(2) Non-applicability to the “regarded as” prong. Whether an individual's impairment substantially limits a major life activity is not relevant to a determination of whether the individual is regarded as having a disability within the meaning of paragraph (g)(1)(iii) of this section.

(3) Ameliorative effects of mitigating measures. Except as provided in paragraph (z)(3)(i) of this section, the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures as defined in paragraph (n) of this section.

(i) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered when determining whether an impairment substantially limits a major life activity. See paragraph (n)(2) of this section for a definition of “ordinary eyeglasses or contact lenses.”

(ii) Non-ameliorative effects of mitigating measures. The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an individual's impairment substantially limits a major life activity.

(4) In determining whether an individual is substantially limited, the focus is on how a major life activity is substantially limited, and not on the outcome, an individual can achieve. For example, someone with a learning disability may achieve a high level of academic success, but may be substantially limited in the major life activity of learning because of the additional time or effort he or she must spend to read, write, or learn compared to most people in the general population.

(5) Predictable assessments. The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, the principles set forth in this section are intended to provide for generous coverage through a framework that is predictable, consistent, and workable for all individuals and contractors with rights and responsibilities under this part. Therefore, the individualized assessment of some types of impairments will, in virtually all cases, result in a determination of coverage under paragraph (g)(1)(i) or (ii) of this section. Given their inherent nature, these types of impairments will, as a factual matter, virtually always be found to impose a substantial limitation on a major life activity. With respect to these types of impairments, the necessary individualized assessment should be particularly simple and straightforward.

(i) Examples of predictable assessments. Applying the principles set forth in this section it should easily be concluded that the following types of impairments will, at a minimum, substantially limit the major life activities indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability (formerly termed mental retardation) substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune function; multiple sclerosis (MS) substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder (PTSD), obsessive compulsive disorder, and schizophrenia substantially limit brain function. The types of impairments described in this section may also substantially limit additional major life activities not explicitly listed above.

(aa) **Undue hardship**

(1) In general. Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the contractor, when considered in light of the factors set forth in paragraph (aa)(2) of this section.

(2) Factors to be considered. In determining whether an accommodation would impose an undue hardship on the contractor, factors to be considered include:

(i) The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding;

(ii) The overall financial resources of the company or locations involved in the provision of the reasonable accommodation, the number of persons employed at the location, and the effect on expenses and resources;

(iii) The overall financial resources of the contractor, the overall size of the business of the contractor with respect to the number of its employees, and the number, type and its locations;

(iv) The type of operation or operations of the contractor, including the composition, structure and functions of the work force of such contractor, and the geographic separateness and administrative or fiscal relationship of the company or locations in question to the contractor; and

(v) The impact of the accommodation upon the operation of the company, including the impact on the ability of other employees to perform their duties and the impact on the company's ability to conduct business.

(bb) **United States**, as used herein, shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Wake Island.

SECTION XX

EQUAL OPPORTUNITY CLAUSE

(41 CFR 60-741.5)

Each contracting agency and each contractor shall include the following equal opportunity clause in each of its covered Government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contracts):

Equal Opportunity for Workers with Disabilities

1. The contractor will not discriminate against any employee or applicant for employment because of physical or mental disability in regards to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ and advance in employment individuals with disabilities and to treat qualified individuals without discrimination on the basis of their physical or mental disability in all employment practices, including the following:
 - i. Recruitment, advertising, and job application procedures;
 - ii. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
 - iii. Rates of pay or any other form of compensation and changes in compensation;
 - iv. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
 - v. Leaves of absence, sick leave, or any other leave;
 - vi. Fringe benefits available by virtue of employment, whether or not administered by the contractor;
 - vii. Selection and financial support for training including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
 - viii. Activities sponsored by the contractor including social or recreational programs; and
 - ix. Any other term, condition, or privilege of employment.
2. The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
3. 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 Section 503 of the Rehabilitation Act of 1973.
4. 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, Office of Federal Contract Compliance Programs, provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants with disabilities. The contractor must ensure that applicants or employees with disabilities are provided the notice in a form that is accessible and understandable to the individual applicant or employee (e.g., providing Braille or large print versions of the notice,

or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair).

5. With respect to employees who do not work at a physical location of the contractor, a contractor will satisfy its posting obligations by posting such notices in an electronic format, provided that the contractor provides computers, or access to computers, that can access the electronic posting to such employees, or the contractor has actual knowledge that such employees otherwise are able to access the electronically posted notices. Electronic notices for employees must be posted in a conspicuous location and format on the company's intranet or sent by electronic mail to employees. An electronic posting must be used by the contractor to notify job applicants of their rights if the contractor utilizes an electronic application process. Such electronic applicant notice must be conspicuously stored with, or as part of, the electronic application.
6. The contractor will notify each labor organization or representative of workers with which it has collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative action to employ and advance in employment individuals with physical or mental disabilities.
7. The contractor will include the provisions of the clause in every subcontractor purchase order in excess of \$10,000, unless exempted by the rules, regulations or orders of the Secretary issued pursuant to section 503 of the act, as amended, 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, Office of Federal Contract Compliance Programs may direct to enforce such provisions including action for noncompliance.
8. The contractor must, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.

[End Clause]

It is not necessary that the equal opportunity clause be quoted verbatim in the contract. The clause may be made a part of the contract by citation to 41 CFR 60-741.5(a) and inclusion of the following language, in bold text, after the citation: **“This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.**

By operation of the Act, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part to include such a clause, whether or not it is physically incorporated in such contract and whether or not there is a written contract between the agency and the contractor.

SECTION XXI

EEO HANDBOOK POLICY & POSTING MEMO

SAMPLE EEO POLICY/ANTI-HARASSMENT POLICY

University of Northern Colorado is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation or any other applicable status protected by state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct, which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors and consultants.

University of Northern Colorado will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

University of Northern Colorado will make reasonable accommodations for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the Company or cause direct threat to health or safety.

In support of our equal employment opportunity principle, University of Northern Colorado has developed written affirmative action plans for females, minorities, individuals with disabilities, and covered veterans. University of Northern Colorado's EEO/AA Coordinator is Lawrence Loftin, Chief Conduct Officer, Title IX. Lawrence Loftin is responsible for compliance with state and federal EEO laws and affirmative action regulations. Lawrence Loftin is also responsible for implementing the Company's affirmative action plan, including equal employment practices, monitoring, and internal reporting. If you believe you have not been treated in accordance with this policy, please contact the EEO Coordinator. Our plans for Veterans and Individuals with Disabilities are available to you in the Human Resources office during regular office hours or by appointment. All employees and applicants for employment are protected by both Company policy and equal employment opportunity/affirmative action regulations and law, from coercion, intimidation, interference, retaliation or discrimination for filing a complaint or assisting in an investigation.

Sexual Harassment

University of Northern Colorado opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct, which may violate this policy, includes but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

EEO & Harassment Complaint Procedure

If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure.

The Company expects employees to make a timely complaint to enable University of Northern Colorado to investigate and correct any behavior that may be in violation of this policy.

Report the incident to your Manager or Supervisor who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to your Manager or Supervisor with your complaint, you should report the incident to Marshall Parks, Director of Human Resources.

University of Northern Colorado prohibits retaliation against any employee for filing a complaint under this policy, assisting in a complaint investigation or opposing any act believed to be unlawful. If you believe there has been a violation of our EEO or retaliation policy, please follow the complaint procedure contained in the sexual harassment policy.

If University of Northern Colorado determines that, an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

SAMPLE EEO POLICY POSTING MEMO

To: Employees of University of Northern Colorado and Applicants for Employment

From: Kay Norton, President

Date: 11/01/2017

Re: Equal Employment Opportunity Policy

It is the ongoing policy of University of Northern Colorado to provide equal opportunity in employment to all employees and applicants. No person shall be discriminated against, in any condition of employment because of age 40 and over, color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation or any other applicable status protected by state or local law.

The policy of equal employment opportunity (EEO) shall apply to all terms, conditions, and privileges of employment, including hiring, probation, testing, training and development, promotion, transfer, compensation, benefits, educational assistance, termination, layoffs, social and recreational programs, and retirement.

University of Northern Colorado will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

University of Northern Colorado is committed to making employment decisions based on valid requirements, without regard to age 40 and over, color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation or any other applicable status protected by state or local law. University of Northern Colorado will analyze its personnel actions rigorously to ensure compliance with this policy.

University of Northern Colorado's EEO Coordinator is Lawrence Loftin, Chief Conduct Officer, Title IX, for University of Northern Colorado. Lawrence Loftin is responsible for compliance with state and federal EEO laws and affirmative action regulations. Lawrence Loftin is also responsible for implementing the University of Northern Colorado's Affirmative Action Plan (AAP), including equal employment practices, monitoring, and internal reporting. If you believe you have not been treated in accordance with this policy, please contact the EEO Coordinator.

Our AAP for Veterans and the Disabled is available to you in University of Northern Colorado's Human Resources office during regular office hours or by appointment.

All employees and applicants for employment are protected, by both company policy and equal employment opportunity/affirmative action regulations and law, from coercion, intimidation, interference, retaliation or discrimination for filing a complaint or assisting in an investigation.

I personally endorse the policy of equal employment opportunity. I ask your continued assistance and support in maintaining an environment that reflects University of Northern Colorado's commitment to equal opportunity and affirmative action. All personnel with responsibility for employment and personnel decisions are directed to perform their duties in accordance with this policy.

Kay Norton, President