



## 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  
PROTECTED VETERANS**

**Program Narrative**

**11/01/2017 - 10/31/2018**

**EQUAL EMPLOYMENT OPPORTUNITY  
AFFIRMATIVE ACTION PROGRAM (AAP)  
FOR  
PROTECTED VETERANS**

**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 Vietnam Era Veterans Readjustment Assistance Act of 1974, and the Jobs for Veterans Act, both concerning protected veterans.

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, sexual orientation, gender identity, national origin, disability or protected veteran status. (41 C.F.R. §60-2.16(e)).

## **SECTION I**

### **AVAILABILITY OF THE AFFIRMATIVE ACTION PLAN (60-300.41)**

The full affirmative action program, absent the data metrics required by § 60-300.44(k), will be made available to any employee or applicant for employment for inspection upon request. The location and hours during which the program may be obtained are posted at the establishment.



## **SECTION II**

### **INVITATION TO SELF-IDENTIFY**

#### **(41 CFR 60-300.42)**

As required, University of Northern Colorado will invite applicants to inform them whether the applicant believes he or she is a protected veteran as follows.

- 1) During the application process, all qualified applicants, will be offered the opportunity to self-identify whether the applicant believes that he or she is a protected veteran who may be covered by the Veteran's Act. For the purposes of this requirement, an "applicant" is an individual who meets the definition of an Internet Applicant in 41 CFR §60-1.3.
- 2) After making an offer of employment to an applicant and before the applicant begins his or her employment, the applicant will be invited to inform University of Northern Colorado whether the applicant believes that he or she belongs to one or more of the specific categories of protected veteran for which University of Northern Colorado is required to report pursuant to 41 CFR part 60-300.

The invitations to self-identify will state that University of Northern Colorado is a Federal contractor required to take affirmative action to employ and advance in employment protected veterans pursuant to the Veteran's Act.

The invitations will summarize relevant portions of the affirmative action program. The invitations will also state that the information is being requested on a voluntary basis, that it will be kept confidential and that refusal to provide it will not subject the applicant to any adverse treatment, and that the information will not be used in a manner inconsistent with the Veteran's Act.

If an applicant identifies himself or herself as a disabled veteran in the post-offer self-identification, University of Northern Colorado will inquire of the applicant whether an accommodation is necessary, and, if so, will engage with the applicant regarding a reasonable accommodation.

A separate file will be maintained in accordance with 41 CFR §60-300.23(d) for individuals who have self-identified as disabled veterans. This information will be provided to Government representatives upon request.

### **SECTION III**

## **STATEMENT OF POLICY**

### **(60-300.44(a))**

University of Northern Colorado takes affirmative action as described in this Program to recruit, hire, train, and promote protected veterans under the Veterans' Acts. University of Northern Colorado will ensure that its personnel actions are administered without regard to an individual's protected veteran status or disability and that employment decisions are based on valid job requirements.

To ensure equal opportunity, Lawrence Loftin, Chief Conduct Officer, Title IX has overall responsibility for this Affirmative Action Program. Lawrence Loftin has delegated responsibility for program implementation and will monitor program performance and report to senior management on a regular basis.

It is also University of Northern Colorado's policy that employees and applicants will not be subjected to harassment of any kind because they have engaged or may engage in 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 the affirmative action provisions of VEVRAA or any other Federal, state or local law requiring equal opportunity for protected veterans;
- 3) Opposing any practice made unlawful by VEVRAA or its implementing regulations; or
- 4) Exercising any other right protected by VEVRAA or its implementing regulations.

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**

#### **(60-300.44(b))**

University of Northern Colorado will review all personnel processes on a regular basis to determine whether they ensure careful, thorough and systematic consideration of the job qualifications of applicants and employees who are known protected veterans for vacancies filled either by hiring or promotion, and for all training opportunities offered or available. Procedures that are found inadequate in this regard may be changed to ensure proper consideration of protected veterans.

In determining the qualifications of protected veterans, University of Northern Colorado considers only those portions of military records, including discharge papers, relevant to the requirements of the opportunity in issue. University of Northern Colorado will also ensure that its selection processes are not designed to stereotype protected veterans in a manner, which limits access to jobs for which they are qualified.

In offering employment or promotions to protected veterans, we will not reduce the amount of compensation offered because of any disability income, pension, or other benefit he or she received from another source.

To ensure compliance with the regulations, the following procedures have been designed to facilitate a review of the requirements:

- 1) Employment applications or resumes of individuals who are known to be protected veterans will be identified in a non-discriminatory way with regard to the opportunity for which they are being considered.
- 2) Personnel records of known protected veterans will include identifying the promotion or training opportunity for which the individual was considered.
- 3) Where individuals are selected for hire, promotion or training and University of Northern Colorado undertakes any accommodation which makes it possible to place a disabled veteran on the job, documentation will include a description of the accommodation. The information will be treated as confidential medical information.

## **SECTION V**

### **PHYSICAL AND MENTAL QUALIFICATIONS (60-300.44(c))**

University of Northern Colorado reviews the physical and mental job qualifications of all jobs periodically to determine whether they tend to screen out qualified disabled veterans. Physical and mental qualifications 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 disabled veterans, job qualifications are job-related and consistent with business necessity.

If University of Northern Colorado ever applies physical or mental qualification standards in the selection of applicants or employees for employment or other changes in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified disabled veterans, the standards shall be related to the specific job or jobs for which the individual is being considered and consistent with business necessity.

No 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.

**SECTION VI**  
**REASONABLE ACCOMMODATION TO PHYSICAL  
AND MENTAL LIMITATIONS**  
**(60-300.44(d))**

As a matter of non-discrimination, University of Northern Colorado will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled veteran unless we can show that the accommodation(s) would impose an undue hardship on the operation of our business.

As a matter of affirmative action, if an employee who is known to be a disabled veteran is having significant difficulty performing his or her job, and it can be reasonably concluded that a performance problem may be related to their 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 in the affirmative, University of Northern Colorado will confidentially, inquire whether the individual is in need of a reasonable accommodation.

Each applicant or employee is dealt with on an individual basis. Reasonable accommodations are made whenever possible and ongoing efforts include revision of facilities to make them accessible. The company makes every effort to provide suitable employment for those employees who become disabled while employed by us.

## **SECTION VII**

### **HARASSMENT**

#### **(60-300.44(e))**

Employees and applicants of University of Northern Colorado will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have:

- 1) Engaged or may engage in filing a complaint;
- 2) Assisted in a review, investigation, or hearing;
- 3) Opposed any practice made unlawful by VEVRAA; or
- 4) Otherwise sought to pursue their legal rights related to any Federal, State, or local law regarding EEO for protected veterans.

Any employees or applicants who feel that they have been subject to harassment, intimidation, threats, coercion, or discrimination because of their status as a protected veteran should promptly contact a manager in their chain of command, or the EEO Coordinator for assistance.

University of Northern Colorado has developed and implemented procedures to ensure that its employees are not harassed because of their status as a protected veteran. A copy of our Policy is available in Human Resources and it is also posted.

## **SECTION VIII**

### **EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT (60-300.44(f))**

University of Northern Colorado will undertake appropriate outreach and positive recruitment activities to recruit protected veterans, consistent with our employment needs and resources.

In order to comply with the external dissemination of the affirmative action policy, the company notifies (via the use of purchase order, contract or Certificate of Compliance) all subcontractors, subcontracting vendors and suppliers of University of Northern Colorado's EEO and Affirmative Action Policy and requests appropriate action on their part.

The scope of University of Northern Colorado's efforts may include, but is not limited to, the following:

- 1) Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for veterans, in order to fulfill its commitment to provide meaningful employment opportunities for such veterans:
  - a. The Local Veterans' Employment Representative in the local employment service office (i.e., the One-Stop) nearest the University of Northern Colorado's establishment;
  - b. The Department of Veteran's Affairs Regional Office nearest the University of Northern Colorado's establishment;
  - c. The veterans' counselors and coordinators ("Vet-Reps") on college campuses;
  - d. The service officers of the national veterans' groups active in the area of the University of Northern Colorado's establishment;
  - e. Local veterans' groups and veterans' service centers near the University of Northern Colorado's establishment;
  - f. The Department of Defense Transition Assistance Program (TAP), or any subsequent program that, in whole or in part, might replace TAP; and
  - g. Any organization listed in the Employer Resources section of the National Resource Directory (<http://www.nationalresourcedirectory.gov/>), or any future service that replaces or complements it.
- 2) University of Northern Colorado may also consider taking the actions listed below, as appropriate, to fulfill its commitment to provide meaningful employment opportunities to protected veterans:
  - a. Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Contractor facility 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 may be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

- b. University of Northern Colorado's recruitment efforts at all educational institutions may incorporate special efforts to reach students who are protected veterans.
- 3) An effort may be made to participate in work-study programs with Department of Veterans Affairs rehabilitation facilities, which specialize in training or educating disabled veterans.
- 4) Protected veterans may be made available for participation in career days, youth motivation programs, and related activities in their communities.
- 5) University of Northern Colorado may take any other positive steps it deems necessary to attract qualified protected veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for any of the classifications of protected veterans.
- 6) University of Northern Colorado, in making hiring decisions, may consider applicants who are known protected veterans for all available positions for which they may be qualified when the position(s) applied for is unavailable.
- 7) University of Northern Colorado may consider listing its job openings with the National Resource Directory's Veterans Job Bank, or any future service that replaces or complements it.

University of Northern Colorado annually will review the outreach and recruitment efforts taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified protected veterans.

University of Northern Colorado will document each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and the contractor's conclusion as to whether each effort was effective. Among these criteria shall be the data collected pursuant to §60-300.44(k) for the current year and the two most previous years.

If University of Northern Colorado concludes the totality of its efforts were not effective in identifying and recruiting qualified protected veterans, it shall identify and implement alternative efforts.

University of Northern Colorado will document all activities it undertakes to comply with external dissemination requirements and retain these documents for three years.



## **SECTION IX**

### **INTERNAL DISSEMINATION OF POLICY**

#### **(60-300.44(g))**

To ensure greater employee cooperation and participation, University of Northern Colorado has developed internal communication procedures for our affirmative action efforts to employ and advance in employment qualified protected veterans. These procedures will be designed to promote understanding, acceptance and support among our executive, management, supervisory and other employees to encourage them to take actions necessary to aid in meeting our obligations.

University of Northern Colorado will include this policy in its Employee Handbook and will provide it to appropriate representatives if it becomes a party to a collective bargaining agreement.

University of Northern Colorado may also implement and disseminate the policy internally as follows. The scope of our efforts will depend upon many circumstances, such as the size of University of Northern Colorado, our resources, and the extent to which our existing practices have been effective. The following actions are contemplated:

- 1) Inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for protected veterans;
- 2) Publicize it in the company newspaper, magazine, annual report and other media;
- 3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's support for the affirmative action policy;
- 4) Discuss the policy thoroughly in both employee orientation and management training programs;
- 5) When employees are featured in employee handbooks or similar publications for employees, include disabled veterans.

## **SECTION X**

### **AUDIT AND REPORTING SYSTEM**

#### **(60-300.44(h))**

The company has designed and implemented audit and reporting systems that:

- 1) Measure the effectiveness of the company's affirmative action programs;
- 2) Indicate any need for remedial action;
- 3) Determine the degree to which University of Northern Colorado's objectives have been attained;
- 4) Determine whether known protected veterans have had the opportunity to participate in all company-sponsored educational, training, social and recreational activities;
- 5) Measure the compliance with the affirmative action program's specific obligation for protected veterans; and
- 6) Document the above and retain these documents as set forth in § 60-300.80.
- 7) If the affirmative action program is found to be deficient, University of Northern Colorado shall undertake necessary action to bring the program into compliance.

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

- 1) Recruitment, advertising, and job application procedures;
- 2) Hiring, promotion, upgrading, layoff, recall from layoff;
- 3) Rates of pay and any other forms of compensation including fringe benefits;
- 4) Job assignments, job classifications, job descriptions, and seniority lists;
- 5) Sick leave, leaves of absence, or any other leave;
- 6) Training, attendance at professional meetings and conferences; and
- 7) 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:

- 1) The Chief Conduct Officer, Title IX will discuss any identified problems with management; and
- 2) 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**

#### **(60-300.44(i))**

#### **RESPONSIBILITIES OF EEO COORDINATOR:**

The Chief Conduct Officer, Title IX is responsible for the overall execution, implementation and monitoring of the Affirmative Action Program for protected veterans with the support of all management including senior management.

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

- 1) The development of the AAP for protected veterans, policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions;
- 2) Reviewing all personnel actions, policies, and procedures to ensure compliance with University of Northern Colorado's Affirmative Action obligations;
- 3) Reviewing the qualifications of all applicants and employees to ensure protected veterans are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur;
- 4) 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;
- 5) Keeping management informed of equal opportunity progress and problems within the company through, at a minimum, periodic reports;
- 6) Providing department managers with a copy of the AAP for Protected Veterans and reviewing the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program;
- 7) Reviewing the company's AAP for protected veterans with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
- 8) Serving as a liaison between University of Northern Colorado and enforcement agencies; and
- 9) Serving as a liaison between University of Northern Colorado and organizations for protected veterans.

## **RESPONSIBILITIES OF MANAGERS AND SUPERVISORS:**

Managers and supervisors are advised annually of their responsibilities under the company's AAP for protected veterans and of their obligations to:

- 1) Review the company's Affirmative Action policy for protected veterans 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;
- 2) Review the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur; and
- 3) Review all employees' performance to ensure that non-discrimination is adhered to in all personnel activities.

## **SECTION XII**

### **TRAINING (60-300.44(j))**

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

## **SECTION XIII**

### **DATA COLLECTION ANALYSIS**

#### **(60-300.44(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:

- 1) The number of applicants who self-identified as protected veterans pursuant to §60-300.42(a), or who are otherwise known as protected veterans;
- 2) The total number of job openings and total number of jobs filled;
- 3) The total number of applicants for all jobs;
- 4) The number of protected veteran applicants hired; and
- 5) The total number of applicants hired.

For the purposes of this section, 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 60-300.44(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, should take 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**

### **BENCHMARKS FOR HIRING (60-300.45)**

The purpose of establishing a benchmark is to create a quantifiable method by which University of Northern Colorado can measure its progress toward achieving equal employment opportunity for protected veterans.

The hiring benchmark is set by University of Northern Colorado on an annual basis by using the benchmark published by the OFCCP on its website. This benchmark equals the national percentage of unemployed veterans in the civilian labor force. This benchmark is 6.70 percent.

## **SECTION XV**

### **RECORDKEEPING AND ACCESS TO RECORDS (60-300.80 & 60-300.81)**

#### **RECORDKEEPING – GENERAL REQUIREMENTS:**

All personnel or employment records made or kept by University of Northern Colorado will be preserved for a period of two years from the date of the making of the record or the personnel action involved, whichever occurs later. Such records include, but are not limited to: records relating to requests for reasonable accommodation; the results of any physical examination; job advertisements and postings; applications and resumes; tests and test results; interview notes; and 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. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of two years from the date of the termination. If University of Northern Colorado has received notice that a complaint of discrimination has been filed, that a compliance evaluation has been initiated, or that an enforcement action has been commenced, the contractor shall preserve all personnel records relevant to the complaint, compliance evaluation or action until final disposition of the complaint, compliance evaluation or action.

Records required by §60-300.44(f)(4), 60-300.44(k), and 60-300.45(c) will be maintained for a period of three years from the date of the making of the record.

#### **ACCESS TO RECORDS:**

University of Northern Colorado will permit access, during normal business hours, to our places of business for the purpose of conducting on-site compliance evaluations and complaint investigations and inspecting and copying such documents as may be relevant to the matter under investigation.

## SECTION XVI

### DEFINITIONS

#### (60-300.2)

**Act** means the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S. C 4212, also referred to as "VEVRAA."

**Active Duty Wartime or Campaign Badge Veteran** – means a veteran who served active duty in the US military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

**Armed Forces Service Medal Veteran** - means any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209).

**Contract** - means any Government contract or subcontract.

**Contractor** - means a prime contractor or subcontractor holding a contract of \$150,000 or more.

**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 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.

**Disabled Veteran** - means

- 1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or
- 2) A person who was discharged or released from active duty because of a service-connected disability.

**Employment service delivery system** - means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act. The Wagner-Peyser Act requires that these services be provided as part of the One-Stop delivery system established by the States under Section 134 of the Workforce Investment Act of 1998.

**Equal Opportunity clause**—means the contract provisions set forth in §60-300.5, "Equal Opportunity Clause."

## Essential Functions –

- 1) In general, the term essential functions means fundamental job duties of the employment position the disabled veteran holds or is seeking. 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:
  - a. The function may be essential because the reason the position exists is to perform that function;
  - b. 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
  - c. 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:
  - a. The contractor's judgment as to which functions are essential;
  - b. Written job descriptions prepared before advertising or interviewing applicants for the job;
  - c. The amount of time spent on the job performing the function;
  - d. The consequences of not requiring the incumbent to perform the function;
  - e. The terms of a collective bargaining agreement;
  - f. The work experience of past incumbents in the job; and/or
  - g. The current work experience of incumbents in similar jobs.

**Government**—means the Government of the United States of America.

**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 the definition of Government contract and subcontract 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 facilities 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 the definition of Government contract and subcontract of this section, includes, but is not limited to the following: Utility, construction, transportation, research, insurance, and fund depository.
- 5) *Person*, as used in the definition of Government contract and subcontract 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 the definition of Government contract and subcontract 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).

**Pre-JVA veteran** means an individual who is an employee of or applicant to a contractor with a contract of \$25,000 or more entered into prior to December 1, 2003 and unmodified since to \$150,000 or more, and who is a special disabled veteran, veteran of the Vietnam era, pre-JVA recently separated veteran, or other protected veteran, as defined below:

- 1) *Special disabled veteran* means:
  - a. A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability:
  - b. Rated at 30 percent or more; or
  - c. Rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap; or
  - d. A person who was discharged or released from active duty because of a service-connected disability.
- 2) *Veteran of the Vietnam Era* means a person who:
  - a. Served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred:
    - i. In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or
    - ii. Between August 5, 1964, and May 7, 1975, in all other cases; or
  - b. Was discharged or released from active duty for a service-connected disability if any part of such active duty was performed:
  - c. In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or
  - d. Between August 5, 1964, and May 7, 1975, in all other cases.
- 3) *Pre-JVA recently separated veteran* means a pre-JVA veteran during the one-year period beginning on the date of the pre-JVA veteran's discharge or release from active duty.
- 4) *Other protected veteran* means a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

**Prime contractor**—means any person holding a contract of \$150,000 or more, 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.

**Protected veteran** - means a veteran who is protected under the non-discrimination and affirmative action provisions of the Act; specifically, a veteran who may be classified as a “disabled veteran,” “recently separated veteran,” “active duty wartime or campaign badge veteran,” or an “Armed Forces service medal veteran,” as defined by this section.

**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.

**Qualified disabled veteran** - means a disabled veteran who has the ability to perform the essential functions of the employment position with or without reasonable accommodation.

**Reasonable accommodation -**

- 1) The term *reasonable accommodation* means:
  - a. Modifications or adjustments to a job application process that enable a qualified applicant who is a disabled veteran to be considered for the position such applicant desires;<sup>1</sup> or
  - b. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified disabled veteran to perform the essential functions of that position; or
  - c. Modifications or adjustments that enable the contractor's employee who is a disabled veteran to enjoy equal benefits and privileges of employment as are enjoyed by the contractor's other similarly situated employees who are not disabled veterans.
- 2) Reasonable accommodation may include but is not limited to:
  - a. Making existing facilities used by employees readily accessible to and usable by disabled veterans; and
  - b. Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications 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 disabled veterans.
- 3) To determine the appropriate reasonable accommodation it may be necessary for the contractor to initiate an informal, interactive process with the qualified disabled veteran in need of the accommodation.<sup>2</sup> This process should identify the precise limitations resulting

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<sup>1</sup> A contractor's duty to provide a reasonable accommodation with respect to applicants who are disabled veterans is not limited to those who ultimately demonstrate that they are qualified to perform the job in issue. Disabled veteran applicants 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).

<sup>2</sup> Contractors must engage in such an interactive process with a disabled veteran, whether or not a reasonable accommodation ultimately is identified that will make the person a qualified individual. Contractors must engage in the interactive process because, until they have done so, they may be unable to determine whether a reasonable accommodation exists that will result in the person being qualified.

from the disability and potential reasonable accommodations that could overcome those limitations.

**Recently Separated Veteran** - means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.

**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.

**Secretary**—means the Secretary of Labor, United States Department of Labor, or his or her designee.

**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.

**Subcontractor** - means any person holding a subcontract of \$150,000 or more and, for the purposes of subpart D of 41 CFR 60-300 et seq., "General Enforcement and Complaint Procedures," any person who has held a subcontract subject to the Act.

**TAP**—means the Department of Defense's Transition Assistance Program, or any successor programs thereto. The TAP was designed to smooth the transition of military personnel and family members leaving active duty via employment workshops and individualized employment assistance and training.

**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 (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:
  - a. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding;
  - 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, and the effect on expenses and resources;
  - c. 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 location of its facilities;
  - d. 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 facility or facilities in question to the contractor; and
  - e. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

**United States** 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.

**Veteran**—means a person who served in the active military, naval, or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

## SECTION XVII

### EQUAL OPPORTUNITY CLAUSE

#### (60-300.5)

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 VEVRAA PROTECTED VETERANS<sup>3</sup>**

1. The contractor will not discriminate against any employee or applicant for employment because he or she is a Disabled Veteran, Recently Separated Veteran, Active Duty Wartime or Campaign Badge Veteran or Armed Forces Service Medal Veteran (hereinafter collectively referred to as “protected veteran(s)”) in regards to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified individuals without discrimination based on their status as a protected veteran 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 or 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, and on-the-job training under 38 U.S.C. 3687, 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.
  - ix. Any other term, condition, or privilege of employment.
2. The contractor agrees to immediately list all employment openings which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one where the contract is being performed, but excluding those of independently operated corporate affiliates, with the appropriate employment service delivery system where the opening occurs. Listing employment openings with the state workforce agency job bank or with the local employment service delivery system where the opening occurs will satisfy the requirement to list jobs with the appropriate employment service delivery system. In order to satisfy the listing requirement described herein, contractors must provide information

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<sup>3</sup> The definitions set forth in 41 CFR 60-300.2 apply to the terms used throughout this Clause, and they are incorporated herein by reference.

about the job vacancy in any manner and format permitted by the appropriate employment service delivery system, which will allow that system to provide priority referral of veterans protected by VEVRAA for that job vacancy. Providing information on employment openings to a privately run job service or exchange will satisfy the contractor's listing obligation if the privately run job service or exchange provides the information to the appropriate employment service delivery system in any manner and format that the employment service delivery system permits which will allow that system to provide priority referral of protected veterans.

3. Listing of employment openings with the local employment service office pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations, which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicants or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.
4. Whenever a contractor, other than a state or local governmental contractor, becomes contractually bound to the listing provisions in paragraphs 2 and 3 of this clause, it shall advise the employment service delivery system in each state where it has establishments that: (a) it is a Federal contractor, so that the employment service delivery systems are able to identify them as such; and (b) it desires priority referrals from the state of protected veterans for job openings at all locations within the state. The contractor shall also provide to the employment service delivery system the name and location of each hiring location within the state and the contact information for the contractor official responsible for hiring at each location. The "contractor official" may be a chief hiring official, a Human Resources contact, a senior management contact, or any other manager for the contractor that can verify the information set forth in the job listing and receive priority referrals from employment service delivery systems. In the event that the contractor uses any external job search organizations to assist in its hiring, the contractor shall also provide to the employment service delivery system the contact information for the job search organization(s). The disclosures required by this paragraph shall be made simultaneously with the contractor's first job listing at each employment service delivery system location after the effective date of this final rule. Should any of the information in the disclosures change since it was last reported to the employment service delivery system location, the contractor shall provide updated information simultaneously with its next job listing. As long as the contractor is contractually bound to these provisions and has so advised the employment service delivery system, there is no need to advise the employment service delivery system of subsequent contracts. The contractor may advise the employment service delivery system when it is no longer bound by this contract clause.
5. The provisions of paragraphs 2 and 3 of this clause do not apply to the listing of employment openings which occur and are filled outside of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, Wake Island and the Trust Territories of the Pacific Islands.
6. As used in this clause:
  - i. *All employment openings* includes all positions except executive and senior management, those positions that will be filled from within the contractor's organization and positions lasting three days or less. This term includes full-time employment, temporary employment of more than three days duration, and part-time employment.
  - ii. *Executive and senior management* means any employee:
    - 1) Any employee
      - a) Compensated on a salary basis as a rate of not less than \$455 per week (\$380 per week, if employed in American Samoa by employers other

than the Federal Government) exclusive of board, lodging or other facilities;

- b) whose primary duty consists of the management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;
- c) who customarily and regularly directs the work of two or more other employees therein; and
- d) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing advancement, promotion or any other change of status of other employees are given particular weight; or

- 2) Any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management.

iii. *Positions that will be filled from within the contractor's organization* means employment openings for which no consideration will be given to persons outside the contractor's organization (including affiliates, subsidiaries and parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists. The exception does not apply to a particular opening once an employer decides to consider applicants outside of his or her own organization.

- 7. The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- 8. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- 9. 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 who are protected veterans. The contractor must ensure that applicants or employees who are disabled veterans are provided the notice in a form that is accessible and understandable to the disabled veteran (e.g., providing Braille or large print versions of the notice, posting the notice for visual accessibility to persons in wheelchairs, providing the notice electronically or on computer disc, or other versions). 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 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.
- 10. 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 VEVRAA, is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans.

11. The contractor will include the provisions of the clause in every subcontractor purchase order in excess of \$150,000 or more, unless exempted by the rules, regulations or orders of the Secretary issued pursuant to VEVRAA 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.
12. 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 without regard to their protected veteran status.

**[End Clause]**

It is not necessary that the equal opportunity clause be quoted verbatim in the contract. The clause shall be made a part of the contract by citation to 41 CFR 60-300.5(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 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by prime contractors and subcontractors to employ and advance in employment qualified protected veterans.”**

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 XVIII**

### **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.

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)

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 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's Greeley, CO facility. 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 Individuals with Disabilities 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, assisting in an investigation, or opposing any act or practice made unlawful by equal opportunity laws and regulations.

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.

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Kay Norton, President