

Internal Governing Policies

#172 - Affirmative Action Procedures for Specified Veterans and Applicants and Employees with Disabilities

Approved: December 21, 2005

Monitor: President

In compliance with Section 503 of the [1973 Rehabilitation Act](#), the [Vietnam Era Veteran's Readjustment Assistance Act of 1974](#) as amended, and the [Americans with Disabilities Act of 1990](#), the University shall refrain from discrimination against any otherwise qualified employee, or applicant for employment, because he or she has a disability, or is a special disabled veteran, a veteran of the Vietnam era, a recently separated veteran, or other protected veteran. In addition, the University shall take certain types of affirmative action to employ and advance in employment otherwise qualified persons with disabilities, special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans.

For purposes of affirmative action, a special disabled veteran, a veteran of the Vietnam era, a recently separated veteran, other protected veteran, and a disabled individual are defined as follows:

Special disabled veteran means (i) 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 Department of Veterans' Affairs for a disability (A) rated at 30 percent or more, or (B) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 38 U.S.C. 3106 to have a serious employment handicap or (ii) a person who was discharged or released from active duty because of a service-connected disability.

Vietnam era veteran means a person who: (i) served on active duty in the U.S. military, ground, naval or air service for a period of more than 180 days, and who was discharged or released there from with other than a dishonorable discharge, if any part of such active duty was performed: (A) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (B) between August 5, 1964, and May 7, 1975, in all other cases; or (ii) was discharged or released from active duty in the U. S. military, ground, naval or air service for a service-connected disability if any part of such active duty was performed (A) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (B) between August 5, 1964, and May 7, 1975, in any other location.

Recently separated veteran means any veteran during the one-year period beginning on the date of such veteran's discharge or release from military duty.

Other protected veterans means veterans who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized. The information required to make this determination is available at <http://www.fedshirevets.gov/hire/hrp/vetguide/index.aspx>.

A person with a disability is any person who (1) has a physical or mental impairment which substantially limits one or more of the person's major life activities, (2) has a record of the disability, or (3) is regarded as having a disability.

Disabled veterans, veterans of the Vietnam era, recently separated veterans, other protected veterans, or individuals with disabilities who believe they are eligible and would like to be considered under this affirmative action procedure are invited to identify themselves voluntarily to the Civil Rights and Diversity Office. Submission of this information is voluntary. Refusal to provide such information will not subject the individual to discharge or disciplinary treatment.

Information concerning an individual's medical condition or history shall be kept confidential, except that (1) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities as they pertain to necessary accommodations, (2) first aid and safety personnel may be informed where appropriate, if the condition might require emergency treatment, and (3) government officials investigating compliance with the aforementioned Acts shall be provided relevant information upon request.

Persons with disabilities or disabled veterans shall be given an opportunity to describe (1) any special methods, skills, and procedures that qualify the person for positions that otherwise would present difficulties because of a disability and (2) the accommodation that the employing department might make that would enable a disabled person or disabled veteran to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.