HARVARD UNIVERSITY

Affirmative Action Program

November 1, 2014 - October 31, 2015

for

INDIVIDUALS WITH DISABILITIES

and

PROTECTED VETERANS

PRODUCED BY
THE OFFICE OF THE ASSISTANT TO THE PRESIDENT
FOR INSTITUTIONAL DIVERSITY & EQUITY
# Affirmative Action Program

**November 1, 2014 - October 31, 2015**

## Table of Contents

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affirmative Action Program for Persons with Disabilities</td>
<td>1</td>
</tr>
<tr>
<td>Harvard Resources for Employees and Applicants with Disabilities</td>
<td>11</td>
</tr>
<tr>
<td>Affirmative Action Program for Protected Veterans</td>
<td>13</td>
</tr>
</tbody>
</table>

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AFFIRMATIVE ACTION PROGRAM
FOR PERSONS WITH DISABILITIES

Affirmative Action Policy for Applicants and
Employees with Disabilities

The President and Fellows of Harvard College have issued a policy statement setting forth the University’s commitment to equal employment opportunity and affirmative action which includes applicants and employees with disabilities. The University’s Affirmative Action Program (AAP) for employees with disabilities was first published in the Harvard University Gazette in 1978; it continues to be revised, as appropriate, and is disseminated on a regular basis.

Law and Regulation

The purpose of this section of the Affirmative Action Plan is to meet the obligations of Chapter 60 of Title 41 of the Code of Federal Regulations, Part 60-741 60-741.1 setting forth the “standards for compliance with section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793), which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities”.

1. This provision applies as well to subcontracts in excess of $10,000 entered into by a prime contractor in carrying out any contract with the United States for the procurement of property and nonpersonal services. Additionally, every government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees is required by the Department of Labor to maintain a written affirmative action program at each of its establishments, which complies with Part 60-741.

The affirmative action requirements of the Act differ significantly from the affirmative action mandate of Executive Order 11246 in the following ways:

A. Affirmative action plans developed under the provisions of the Rehabilitation Act have historically not been required to contain a utilization analysis or goals and timetables. However, as of November 1, 2014 (the date this AAP goes into effect), the utilization goal of 7% will be applied towards all Harvard’s EEO job groups per the new regulations. Note: Harvard University is fully aware of the revised Section 503 and VEVRAA regulations which went into effect on March 24, 2014. Harvard University has made required changes as of the effective date, and is diligently working to implement the new Subpart C requirements, beginning November 1, 2014. As such, this transitional AAP outlines both the existing and new requirements encompassed in the revised regulations. Harvard University will have come into full compliance as required by the next AAP cycle.

B. The University must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee, absent undue hardship.

Labor Department regulations require that an equal opportunity clause appear in all government contracts and subcontracts for the procurement of personal property and nonpersonal services in excess of $10,000. The specific wording for that clause appears at 41 CFR 60-741.5. The clause provides that: (1) that the employer will not discriminate and will take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability; (2) an agreement that the contractor will be bound by the rules, regulations, and orders issued by the Secretary of Labor pursuant to the Act; (3) an agreement to post
appropriate notices informing employees and applicants of the contractor’s affirmative action obligations under the Act; (4) an agreement to notify collective bargaining representatives of the contractor’s obligations under the Act; and (5) an agreement that the clause will be included in every subcontract or purchase order that exceeds $10,000, unless specifically exempted.

The regulations of the Labor Department require that the contractor make a reasonable accommodation to the known physical and mental limitations of a qualified employee unless the contractor can prove undue hardship, which means significant difficulty or expense, as demonstrated by certain financial and operational factors, including the nature and net cost of the accommodation needed, the overall financial resources of the facility involved and of the contractor, and the impact of the accommodation on the facility’s ability to conduct business and on the abilities of other employees to perform their duties. 41 CFR 60-741.2.

Labor Department regulations require that the University policy must be stated and posted, a plan for external and internal policy dissemination must be established, responsibility must be assigned, appropriate recruiting sources must be contacted, and an audit and reporting system designed and implemented.

Definitions

DISABILITY, with respect to an individual, means:
1) A physical or mental impairment that substantially limits one or more major life activities of such individual;
2) A record of such an impairment; or
3) Being regarded as having such an impairment.
4) 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. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

[Note: The use of the term ‘disabilities’ instead of the term ‘handicaps’ in this Plan reflects the preference of persons with disabilities to use that term rather than ‘handicapped’ as used in the Rehabilitation Act of 1973. The ADAAA does not change the requirement that an individual with a disability be “qualified” for a job. An individual is qualified for a job if he can meet a job’s general requirements -- e.g., skills, education, experience -- and can perform the essential job duties, with or without reasonable accommodation. An employer may not refuse to hire a person with a disability for discriminatory reasons (e.g., because she needs a reasonable accommodation), but it may still hire the best qualified person for a job. (EEOC: Questions and Answers for Small Businesses: The Final Rule Implementing the ADA Amendments Act of 2008)]

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.

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. A job function may be considered essential for any of several reasons, including but not limited to the following:
1) The function may be essential because the reason the position exists is to perform that function;
2) 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
3) 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.

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

1) The contractor's judgment as to which functions are essential;
2) Written job descriptions prepared before advertising or interviewing applicants for the job;
3) The amount of time spent on the job performing the function;
4) The consequences of not requiring the incumbent to perform the function;
5) The terms of a collective bargaining agreement;
6) The work experience of past incumbents in the job; and/or
7) The current work experience of incumbents in similar jobs.

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. 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. 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.”

PHYSICAL OR MENTAL IMPAIRMENT means: 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 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.

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.

REASONABLE ACCOMMODATION means modifications or adjustments: to a job application process that enable a qualified applicant with a disability to be considered for the position such applicant desires; or 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 that enable the contractor’s employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by the contractor’s other similarly situated employees without disabilities. Reasonable accommodation may include but is not limited to: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and 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.

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. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations. Individuals who meet the definition of “disability” solely under the “regarded as” prong of the definition of “disability” are not entitled to receive reasonable accommodation.

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.

REGARDED AS HAVING SUCH AN IMPAIRMENT An individual is regarded as having such an impairment if the individual is subjected to an action prohibited under subpart B (Discrimination Prohibited) of Section 503 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. 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. 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 only when an individual proves that a contractor discriminated on the basis of disability as prohibited by this part. 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. An impairment is transitory if it has an actual or expected duration of six months or less.

SUBSTANTIALLY LIMITS shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by law. “Substantially limits” is not meant to be a demanding standard and should not demand extensive analysis.

1) An impairment is substantially limiting 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.

2) 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.

3) 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.

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 41 C.F.R. §60-741.2(n), except that 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. 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. In determining whether an individual is substantially limited the focus is on how a major life activity is substantially limited, and not on the outcomes an individual can achieve. For example, someone with a learning disability may achieve a high level of academic success, but may nevertheless 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.

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 41 C.F.R. § 60-741.2(g)(1)(i) or (ii). 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. 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.

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

1) The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding;
2) 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;
3) 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;
4) 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
5) 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.

The Affirmative Action Plan at Harvard University

The Affirmative Action Plan incorporates and reflects the elements of Affirmative Action Plan requirements set forth at 41 C.F.R. 60-741. The actions taken by the University to ensure compliance include:

1) Stating and posting the University’s equal employment opportunity statement;
2) Reviewing the University’s employment practices to determine whether its personnel policies provide the required affirmative action for employment, retention, and advancement of individuals covered by the Act;
3) Reviewing its personnel process to determine whether present procedures ensure proper consideration of qualifications of applicants or employees covered by the Act for job vacancies (filled either by hiring or promotion), and training opportunities;
4) Reviewing physical or mental job qualification requirements to ensure that they do not screen out applicants with disabilities, are job related, and are consistent with business necessity and safety;
5) Making reasonable accommodations to known physical and mental limitations of otherwise qualified individuals absent undue hardship;
6) Developing and implementing procedures to ensure that employees with disabilities are not harassed because of disability;
7) Externally disseminating the University’s equal opportunity policy and undertaking appropriate outreach and positive recruitment;
8) Internally disseminating the University’s equal opportunity policy;
9) Designing and implementing an audit and reporting system;
10) Assigning responsibility for implementation of the University’s affirmative action activities;
11) Providing training; Recruitment, managers, HR personnel
12) Including affirmative action clauses in each of its covered government contracts or subcontracts;
13) Inviting all employees who believe themselves covered by the Act and who wish to benefit under the Affirmative Action Program to self-identify on a voluntary basis, as well as the University’s Employment Reasonable Accommodation Procedure.

In furtherance of its affirmative action obligations and commitment toward persons with disabilities, the University’s Office of the Assistant to the President:
1) Utilizes publications to inform all employees of the Plan, including making alternative formats available upon request.


3) Enlists the assistance of organizations serving and training individuals with disabilities, including, but not limited to, the Massachusetts Division of Unemployment Assistance, Massachusetts Rehabilitation Commission and The Resource Partnership.

4) Consults with local human resource professionals in determining reasonable accommodation, consistent with business needs, for individuals with disabilities on a case by case basis.

5) Coordinates internal procedures to ensure that the program is implemented.

6) Ensures that the University includes in its advertisements the program of nondiscrimination with respect to individuals with disabilities.

7) Reviews records of employees with disabilities who self-identify and request consultation.

8) Ensures that written notification of the University’s obligation is provided to its contractors and subcontractors.

9) Encourages efforts to include employees with disabilities in advertisements and University publications.

Responsibility for coordinating the overall Affirmative Action Plan for Persons with Disabilities has been delegated to the Office of the Assistant to the President for Institutional Diversity & Equity (H-OAP). Any staff member may inspect a copy of the Plan at OAP, Smith Campus Center Room 935, 1350 Massachusetts Avenue, Cambridge, Massachusetts.

In addition to University Disability Services (UDS), the Office of Human Resources and Benefits disseminates information related to the University’s Reasonable Accommodation Procedure.

**Dissemination of Policy**

**Internal**

Steps taken to disseminate the policy internally include:

1) Publication of the University policy in the Harvard University Personnel Manual.

2) Publication of the University policy in the preface to each Harvard Opportunities section of the Harvard University Gazette.

3) Discussion of the policy and Plan in management training programs for supervisors and managers as well as in affirmative action workshops.

4) Discussion of the policy as part of orientation for new staff members and in updates of personnel policies and benefits for existing staff members.
5) Communication of the policy through written notice to the collective bargaining representatives of Harvard’s various unions.

6) Posting the policy statement on bulletin boards in central, faculty, and departmental personnel offices.

7) Online dissemination of the policy

**External**

All of the University’s recruiting sources have been informed of Harvard’s equal employment opportunity policy and of its Affirmative Action Program. Lists of current openings are sent regularly to agencies and other recruitment sources for their information. Additional steps that have been taken by the University to disseminate this policy include:

1) Listing all appropriate positions with the Massachusetts state employment agencies via our membership with Job Target and the National Labor Exchange.

2) Contacting local offices or service organizations such as Work without Limits, Massachusetts Rehabilitation Commission, Massachusetts Commission for the Blind, Massachusetts Commission for the Deaf & Hard of Hearing.

3) Assuring that letters and advertisements that are used as part of the recruitment effort clearly state the University’s policy.

4) Assuring that all contractors and subcontractors are notified by written communication from the University’s director of purchasing of the University’s commitment to equal employment opportunity and ongoing programs.

**Employment Policies and Practices**

Pre-employment procedures are reviewed to ensure that individuals with disabilities do not face discrimination in the employment process. For example, there is no University-wide pre-employment medical examination requirement. Medical examinations are required only in those administrative units where health and physical condition are important for the safety or well-being of those being served, for the welfare of the employee, and/or due to the nature of the job duties (bona fide work requirement).

Harvard’s Affirmative Action Program is a good faith effort to hire and retain persons with disabilities. The University has taken the following specific steps:

1) The Harvard University employment application process, in the central Office of Human Resources, the faculties and other administrative units, have been reviewed to ensure nondiscriminatory practices.

2) A review has been conducted to make sure that the Offices of Human Resources are accessible to all applicants. Furthermore, faculties and departments are being notified that as part of their affirmative action obligation they must be prepared to interview Office of Human Resources referrals at an accessible site.

3) The Office of Human Resources and UDS provide technical assistance to support departments in exploring and implementing reasonable accommodations for persons with disabilities.
4) The University does not reduce the amount of compensation offered at the time of hire or promotion to individuals with disabilities based on prior disability, income, pension, or other benefits received from other sources.

5) Union officials and representatives of collective bargaining units have been informed of the University’s affirmative action policies and participate in efforts to make all staff members aware of the University’s commitment to these policies.

6) All union contracts contain appropriate affirmative action language.

**Accountability**

The Office of Human Resources and the Office of the Assistant to the President share responsibility for the implementation of the University’s Affirmative Action Plan for Persons with Disabilities.

Staff members in all Human Resources offices play an important role in ensuring that potential and current employees with disabilities have equal access to information about vacancies. Individuals with disabilities are considered for employment and promotion on an equal basis as individuals without disabilities.

The Office of Human Resources has principal responsibility for outreach and recruitment of individuals with disabilities.

UDS also participates in disseminating information related to the AAP as well as takes part in its implementation. This includes but is not limited to the following:

1) Assisting HR personnel with developing the skills and knowledge necessary to advise managers and other supervisory staff on disability-related issues that arise in the workplace.

2) Collaborate with Director of EEO/AA Compliance to assist employment professionals in researching and developing working relationships with agencies, organizations, and individuals that work with, or have contact with, persons with disabilities.

3) Encouraging efforts to keep Harvard’s commitment to persons with disabilities “in the news;” generating articles for the *Harvard University Gazette* and other in-house media.

4) Assisting in revisions of those parts of the Affirmative Action Plan related to persons with disabilities.

5) Reviewing selected job postings and descriptions to ensure that mental and physical job qualifications are job related and consistent with legitimate business needs.

Oversight responsibility for this plan is delegated to the Office of the Assistant to the President for Institutional Diversity & Equity. This office participates in the annual review and update of the University Affirmative Action Plan; periodically reviews the progress of affirmative action efforts and takes corrective action where appropriate; and provides pertinent personnel information for government agency review where appropriate.

**Auditing and Reporting System**

Harvard has designed and implemented an audit and reporting system, monitored by the University Compliance Officer that will accomplish the following:
(1) Measure the effectiveness of Harvard’s AAP.
(2) Indicate any need for remedial action.
(3) Determine the degree to which Harvard’s objectives have been obtained.
(4) Determine whether known disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, Armed Forces service medal veterans, and IWDs, have received the opportunity to participate in all Harvard-sponsored educational, training, recreational, and social activities.
(5) Measure Harvard’s compliance with specific AA/EEO obligations.

Data Collection Analysis

Pursuant to sections 41 C.F.R. §60-300.44(k) and 41 C.F.R. §60-741.44(k), Harvard will annually document and maintain for 3 years the following data points pertaining to applicants and hires:
(1) The number of applicants who self-identified as IWDs pursuant to 41 C.F.R. §60-741.42(a) or who are otherwise known to be IWDs and the number of applicants who self-identified as protected veterans pursuant to 41 C.F.R. §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 applicants with disabilities hired and the number of protected veteran applicants hired; and
(5) The total number of applicants hired.

Pursuant to sections 41 C.F.R. §60-300.44(k) and 41 C.F.R. §60-741.44(k), Harvard has undertaken this data collection requirement.

Utilization Goals (503)

In order to obtain a benchmark serving as an equal employment opportunity objective, Harvard has established a 7% utilization goal within each job group for the employment of qualified IWD. Harvard conducts an annual evaluation of the representation of employees within each job group who have identified as IWD pursuant to 41 C.F.R. §60-741.42(c).

In the event that the percentage of IWDs in one or more job groups is less than the 7% utilization goal, Harvard will develop and execute action-oriented program for the purpose of addressing these areas. Additionally, Harvard will take the necessary steps to determine whether and where barriers to equal employment opportunity may exist. Steps to take include, but are not necessarily limited to: personnel processes, the effectiveness of outreach and recruitment efforts and the results of the audit.

Pursuant to section 41 C.F.R. §60-741.45, Harvard has conducted this utilization analysis requirement.

Record Keeping

Pursuant to the requirements under 41 C.F.R. §60-300.80 and 41 C.F.R. §60-741.80, Harvard maintains all personnel or employment records made or kept by Harvard, for a period of two years from the date of the making of the record or the date of the personnel action involved, whichever occurs later. These records include the following:
(1) Records relating to requests for reasonable accommodation;
(2) Results of any physical examination;
(3) Job advertisements and postings;
(4) Applications and resumes;
(5) Tests and test results;
(6) Interview notes; and
(7) Other records having to do with hiring, assignment, promotion, demotion, transfer, lay-off, termination, rates of pay or other terms of compensation, and selection for training or apprenticeship.
If Harvard receives notice that a complaint of discrimination based on status as an IWD or protected veteran has been filed, that a compliance review under VEVRAA, as amended, or Section 503, as amended has been undertaken, or that an enforcement action under the laws has been initiated, Harvard shall preserve all personnel records relevant to the complaint, compliance review, or enforcement action until final disposition of the complaint, compliance review, or enforcement action has been enacted. Pursuant to Section 503 and VEVRAA regulations, the following records will be maintained for three years:

(1) Evaluation of outreach and recruitment efforts required by 41 C.F.R. 60-300.44(f) and 41 C.F.R. 60-741.44(f)(4);
(2) Data collection analysis required by 41 C.F.R. 60-300.44(k) and 41 C.F.R. 60-741.44(k); and
(3) VEVRAA hiring benchmark required by 41 C.F.R. 60-300.45(c).

Harvard Resources for Employees and Applicants with Disabilities

Since September 2011, the following University Disability Services (UDS) initiatives/collaborations have been implemented:

A) Communication initiatives

- Updated UDS website - to disseminate disability-related procedures, services, resources University-wide
- RTW (return-to-work) process with RA (reasonable accommodations) incorporated into Short and Long Term disability information which is disseminated to employees
- RA Fact & Request Forms is now residing on employee intranet
- RA Fact & Request Forms can be accessed on the HR intranet
- RA information now included on the Worker’s Compensation and STD brochures for employees

B) Procedural/Policy Initiatives

- University-wide Reasonable Accommodation (RA) Procedure and Fact Sheet - to facilitate clear and consistent implementation of workplace reasonable accommodation requests
- Workplace Alcohol Procedure Revision (in collaboration with Labor and Staff Relations)

C) Training Initiatives

- Ongoing professional development for UDS staff members - to ensure expertise related to the ADA Amendments Act and EEOC Regulations; assistive & adaptive technology.
D) Administrative Initiatives

- Updated RA database – to track reasonable accommodation requests, project future trends and ensure adequate resource allocation

- Disability Case Management Meetings – to facilitate timely implementation of workplace reasonable accommodation requests

- UDS Assistive Technology/Adaptive Equipment Lending Library & Lab – to ensure timely access to auxiliary aids and services as reasonable accommodations

- UDS/HUIT collaboration to ensure access to accessible online content

E) Internal & External Outreach Initiatives/Collaborations

- Updated ADA Facilities Database Update (in collaboration with University Planning and Project Management)
- Updated On-line Access Map (in collaboration with University Planning and Project Management)
- UDS/Harvard Labor Relations FMLA
- FD&D
- Recruitment
- CWD
- UDS/Worker’s Compensation
- UDS/Disability Benefits
- Massachusetts Rehabilitation Commission (MRC)
- Easter Seals
- Carroll Center for the Blind
- UDS/Harvard University Housing
- Perkins School for the Blind
AFFIRMATIVE ACTION PROGRAM FOR PROTECTED VETERANS

Policy of Nondiscrimination and Affirmative Action

The University will not discriminate against any applicant or staff member because he or she is a special disabled veteran, veteran of the Vietnam era, recently separated veteran, or other protected veteran. Such action shall apply to all employment practices, including but not limited to the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation, and selection for training, including apprenticeship and on-the-job training programs.

The President and Fellows of Harvard College have issued a policy statement setting forth the University’s commitment to equal employment opportunity and nondiscrimination. That policy includes veterans with disabilities, Vietnam-era veterans, and other protected veterans. That policy statement is updated as appropriate.

Law and Regulations

The purpose of this section of the Affirmative Action Plan is to meet the obligation of 41 C.F.R. Chapter 60, Part 60-250, implementing the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (“VEVRAA”) and amended by the Jobs for Veterans Act of 2002 (for contracts entered into on or after December 1, 2003). In accordance with the aforementioned law and regulations, the following definitions are provided in the invitation to all applicants to voluntarily self-identify as a veteran who may be covered by the Act. Definitions below contain updated terms to reflect changes as of March 24, 2014:

ACTIVE DUTY WARTIME OR CAMPAIGN BADGE VETERAN means a veteran 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, 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).

DISABLED VETERAN under the Rehabilitation Act of 1973, as amended, and 41 C.F.R. §60-300.2, is defined as (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.

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.

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.

Note: Harvard University is fully aware of the revised Section 503 and VEVRAA regulations which went into effect on March 24, 2014. Harvard University has made required changes as of the effective date, and
is diligently working to implement the new Subpart C requirements, beginning November 1, 2014. As such, this transitional AAP outlines both the existing and new requirements encompassed in the revised regulations. Harvard University will have come into full compliance as required by the next AAP cycle.

The Affirmative Action Plan at Harvard University

Affirmative action policy statements have been issued by the responsible officials of Harvard University. Internal and external dissemination of University policy will be described later in this Plan.

Responsibility for coordinating the overall Affirmative Action Program for covered veterans has been delegated to the Office of the Assistant to the President. Implementation of those parts of the Plan covering staff members and applicants in these categories is handled through the offices of human resources at each of the faculties and departments. Any University employee may inspect a copy of the Plan in the Office of the Assistant to the President or the central Office of Human Resources in Cambridge.

Hiring Benchmark

For the purpose of measuring progress toward achieving equal employment opportunity for protected veterans, Harvard has established a hiring benchmark of 7% pursuant to section 41 C.F.R. §60-300.45. Harvard will, on an annual basis, establish a hiring benchmark equal to the national percentage of veterans in the civilian labor force published on the OFCCP website. Harvard will keep the hiring benchmark records for three years. Pursuant to 41 C.F.R. §60-300.45, Harvard has established a hiring benchmark.

The offices of human resources ensure implementation of personnel policies when veterans’ qualifications are considered at the time of promotion. Record keeping includes a Voluntary Self-Identification Form.

The Program includes the following ingredients:

1. Stating and posting the University’s equal employment opportunity statement;
2. Ensuring that the University’s personnel processes provide for careful, thoughtful, and systematic consideration of the qualifications of applicants and employees who are known to be covered veterans for job vacancies filled by hiring or promotion and for all training opportunities;
3. Reviewing periodically those personnel processes and making any modifications necessary to ensure the University’s affirmative action obligations are met;
4. Reviewing all physical or mental job qualification requirements to ensure that they do not screen out qualified special disabled veterans, are job related, and are consistent with business necessity and safety;
5. Making reasonable accommodation to known physical and mental limitations of an otherwise qualified special disabled veteran absent undue hardship;
6. Developing and implementing procedures to ensure that employees are not harassed because of their status as any category of protected veteran;
7. Externally disseminating the University’s equal opportunity policy and undertaking appropriate outreach and positive recruitment (as described more fully below);
8. Internally disseminating the University’s equal opportunity policy (as described more fully below);
9. Designing and implementing an audit and reporting system;
10. Assigning responsibility for implementation of the University’s affirmative action activities; and
11. Providing training.

Dissemination of Policy

Internal

Copies of the statement by the President and Fellows of Harvard College concerning nondiscrimination are widely distributed and on prominent display in all faculties and departments of the University.

Specific steps to disseminate the policy internally include:

1) Publication of University policy regarding protected veterans in the Harvard University Personnel Manual.

2) Publication of the policy in the preface to each Harvard Opportunities section of the Harvard University Gazette.


4) Discussion of the policy and Plan in management training for Harvard supervisors and managers, as well as in special affirmative action workshops.

5) Discussion of the policy as part of the orientation for new staff members and in updates of personnel policies and benefits for existing staff members.

6) Inclusion of the policy in nondiscrimination clauses in all union agreements.

7) Posting of the policy statement on bulletin boards in central administration, faculty, and departmental personnel offices.

8) Dissemination of the policy and updates to University procedures through memoranda to members of the Harvard University HR community.

External

All of the University’s recruiting sources have been informed of Harvard’s equal employment opportunity policy and of its Affirmative Action Program. Lists of current openings are sent regularly to agencies and other recruitment sources for their information. Additional steps that have been taken by the University to disseminate this policy include:

1) Listing all appropriate positions with the Massachusetts state employment agencies via our membership with Job Target and the National Labor Exchange, thereby meeting mandatory job-listing requirements for covered veterans.

2) Contacting the local veterans’ employment representative or his/her designee in the Massachusetts Division of Unemployment Assistance in Cambridge and Boston for the purpose of recruiting for open positions.

3) Maintaining contacts with the Boston Regional Office of Veterans Administration as well as local offices of service organizations such as the American Legion, Department of Veteran

4) Ensuring that letters and advertisements that are used as part of the recruitment effort clearly state the University’s policy.

5) Ensuring that all contractors and subcontractors are notified by written communication from the University’s director of purchasing of the University’s commitment and ongoing programs.

Employment Policies and Practices

Coordinated by the central Office of Human Resources, pre-employment procedures are reviewed to ensure that members of protected groups, including protected veterans, are not discriminated against in the employment process. For example, there is no University-wide pre-employment medical examination requirement at the University. Only in those departments where health and physical condition are considered important for the safety of those being served and of co-workers is the passing of a medical examination a condition of employment.