

<b>Policy Name:</b>	Affirmative Action Plan – Individuals with Disabilities		
<b>Responsible Vice President:</b>	Vice President for Human Resources	<b>Adopted:</b>	1973
<b>Responsible Office or Department:</b>	Human Resources	<b>Reviewed:</b>	May, 2021
<b>Contact:</b>	human.resources@manhattan.edu	<b>Revised:</b>	1993, 1999, 2006, 2011, 2021

**I. NON-DISCLOSURE STATEMENT**

The following Affirmative Action Plan does not create, express, or imply contractual rights in or for any employee or prospective employee.

The materials contained in this Affirmative Action Plan are exempt from mandatory disclosure under the Freedom of Information Act exemptions relating to confidential and proprietary information. Manhattan College will furnish detailed information establishing this exemption as applicable and when it becomes necessary.

**II. REAFFIRMATION OF STATEMENT**

Recognizing that equal employment opportunity can only be achieved through demonstrated leadership and aggressive implementation of a viable Affirmative Action Plan, the College has issued a statement (a copy of which follows) indicating the College’s attitude toward and support for equal employment opportunity and affirmative action. Realizing that simply adopting a policy of equal employment opportunity is insufficient, the College has voluntarily taken other positive steps.

**Policy Purpose**

To express the College’s continuing practice of nondiscrimination in employment.

**Policy Statement**

Manhattan College has a long tradition of voluntarily implementing a policy of equal opportunity for all segments of the Manhattan College community. Its policy is a morally correct commitment and is of special significance since the goal of the College is to assist students to prepare themselves fully for their future lives.

The College states affirmatively its commitment to equal opportunity and to develop a program that will insure implementation of our commitment. The attached Equal Opportunity statement and Affirmative Action Plan reflects this commitment.

All members of the Manhattan College community share the responsibility to assure that the College policy is actively implemented and that no faculty member, administrator, staff member,

student, vendor or visitor suffers from any form of discrimination because of race, color, creed, religion, ethnicity, national origin, sex/gender identity/expression, sexual orientation, marital/partnership status, disability, age, citizenship status, veteran status, predisposing genetic characteristics, caregiver status, credit history, arrest/conviction record, unemployment status, status as a victim of domestic violence, sexual violence, or stalking, or any other legally protected status.

Manhattan College, if it is to fulfill its educational objectives, must insure that its community consists of the most capable individuals available within each discipline or skill. It must, therefore, take every possible advantage of the abilities and potential found within the unrepresented groups. Faced with the challenges that it currently experiences the College must fully utilize all sources of candidates if it is to advance further its reputation.

Manhattan College is an Equal Opportunity Employer that does not unlawfully discriminate in its employment decisions based on race, color, creed, religion, ethnicity, national origin, sex/gender identity/expression, sexual orientation, marital/partnership status, disability, age, citizenship status, veteran status, predisposing genetic characteristics, caregiver status, credit history, arrest/conviction record, unemployment status, status as a victim of domestic violence, sexual violence, or stalking, or any other legally protected status.

## **Procedures**

To ensure compliance to the Policy:

- This Policy applies to all terms, conditions, and privileges of employment including: recruitment, hiring, probationary period, training and development opportunities, job assignment, supervision, promotion or transfer, compensation, benefits, layoff and recall, termination, and retirement.
- The Vice President for Human Resources is responsible for insuring compliance and continued implementation of this Policy and advises both staff and faculty employees, supervisors, and managers about the Policy as needed.
- Employees who believe they have been discriminated against, harassed, or have knowledge of such conduct should discuss their concerns or bring any work-related concerns to their supervisor. However, an employee may alternatively elect to contact Human Resources at 718.862.7392, the Affirmative Action Officer at 718.862.7398 or the Title IX Coordinator at 718.862.7512. Every effort will be made to conduct a prompt investigation and to treat complaints impartially and confidentially with a view to arriving at fair resolutions. If an investigation leads to a determination that this Policy was violated, corrective action up to and including termination of employment will be taken.
- The College provides, upon request by a job seeker or an applicant, reasonable accommodations for a disability, to complete the application process.

- In accordance with the Americans with Disabilities Act, the College provides, upon request from an employee with a disability, reasonable accommodations for the employee to successfully perform the essential duties of the job. Employees should contact the Human Resource Office to initiate the disability accommodation process.

### III. INTRODUCTION

This Plan is applicable to the entire operations of the College, including all departments and academic schools. This Plan applies to all New York City Board of Education professional services contracts with the College. The College will submit to the Director of the Office of Equal Opportunity of the Board a separate Affirmative Action Plan for each subcontractor prior to approval of the subcontractor by the Board of Education.

As used in this Affirmative Action Plan, the term "**individual with a disability**" means any person who (1) has a physical or mental impairment that substantially limits one or more of his or her major life activities, or (2) has a record of having such an impairment, or (3) is regarded generally as having such an impairment; provided that this Affirmative Action Plan does not apply to any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents him or her from performing the duties of the position occupied or applied for, or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or to the safety of others.

An individual with a disability is "**substantially limited**" if he or she is likely to experience difficulties in securing, retaining, or advancing in, employment because of his or her disability.

"**Major life activities**" include, but are not limited to, such activities as 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.

The term "**qualified individual**" as used in this Affirmative Action Plan means an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position, and who, with or without reasonable accommodation, can perform the essential functions of the position.

The term "**reasonable accommodation**" means any modification or adjustment that would not impose an undue hardship on the College's operations, taking into consideration the following factors: (1) business necessity; (2) financial costs and expenses; (3) safety; and (4) impact on the operations.

### IV. REVIEW OF PERSONNEL PROCESSES

The College will ensure that its personnel processes provide for careful, thorough and systematic consideration of the job qualifications of applicants and employees who are known individuals with disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. The College has established internal procedures to facilitate review of its consideration of the qualifications of individuals with disabilities; such procedures include:

- The application or personnel form of each known applicant who is an individual with a disability will be annotated to identify each vacancy for which the applicant was considered. A separate data file of said forms will be maintained so that they are available for review.
- The application or personnel form of each known individual with a disability will include an identification of each promotion and training plan for which the applicant was considered.
- In each case where an employee or applicant who is an individual with a disability is rejected for employment, promotion, or training, the College will prepare a statement of the reason, as well as a description of any accommodation considered, if applicable. This statement will be made available to the applicant or employee concerned upon request. If the reason is medically related or accommodations were considered, the statements will be treated as confidential medical records.
- Where applicants or employees are selected for hire, promotion or training and the College undertakes any accommodation which makes it possible to place an individual with a disability on the job, the personnel record will contain a description of that accommodation. The record will be treated as a confidential medical record.
- The College continually reviews its employment procedures to ensure careful, thorough, and systematic consideration of the job qualifications of applicants and employees who are known individuals with disabilities for job vacancies that are filled either by hiring or promotion, and for all training opportunities offered or available.

## **V. REVIEW OF PHYSICAL AND MENTAL JOB QUALIFICATIONS**

To ensure that no job requirements tend to screen out qualified individuals with disabilities, the College will review the physical and mental job qualifications for a position when there is a need to fill a position or when the physical or mental job qualifications change. Documentation of this review will be maintained.

Whenever the College applies physical or mental job requirements in the selection of applicants or employees for employment or other changes in employment status, including promotion, demotion, or training, to the extent that qualification requirements tend to screen out otherwise qualified individuals with disabilities, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with the College's requirements and the safe performance of the job.

The College reserves the right to conduct a comprehensive medical examination subsequent to an offer of employment but prior to placement. The results of this examination or any inquiry into an applicant's or employee's physical or mental condition will be used only in accordance with specific job qualification requirements determined acceptable under this section of the Plan. Information obtained under this section regarding the medical condition or history of any

applicant or employee shall be collected and maintained on separate forms and in separate medical files and treated as confidential medical records, except that:

- Supervisors and managers will be informed regarding restrictions on the work or duties of individuals with disabilities and regarding accommodations;
- Persons with responsibility for first aid and safety will be informed, where and to the extent appropriate, a given condition might require emergency treatment;
- Government officials investigating compliance may have access to these records and such records may be used in any related litigation or legal action; and
- Relevant information may be provided to the New York Workers' Compensation Board pursuant to the New York Workers' Compensation Law and to insurance companies where the College requires a medical examination to provide health or life insurance for employees.

#### **VI. REASONABLE ACCOMMODATIONS TO THE PHYSICAL AND MENTAL LIMITATIONS OR DISABILITIES OF EMPLOYEES AND APPLICANTS**

The College makes reasonable accommodation to the physical or mental limitations of any qualified disabled employee or applicant, provided that any such accommodation will not be undertaken if to do so would impose an undue hardship. In determining the extent of the hardships imposed by any accommodations, the following factors will be considered: (1) business necessity, (2) financial costs and expenses, (3) safety, and (4) impact on operations. The College maintains records of all reasonable accommodation requests and resolutions.

#### **VII. HARASSMENT**

The College prohibits harassment of any individual based on that individual's disability. Individuals who believe they are victims of such harassment may file a complaint with the Affirmative Action Officer, Vicki M. Cowan, at 718.862.7398.

#### **VIII. COMPENSATION**

As part of its Affirmative Action Plan, the College does not reduce the amount of compensation offered to any individual with a disability because of any disability income, pension or other benefit the applicant or employee receives from another source.

## IX. RECRUITMENT AND EXTERNAL DISSEMINATION OF POLICY

The College reviews employment practices to determine whether personnel programs provide the required affirmative action for employment and advancement of individuals with disabilities. Based upon the findings of such reviews, the College, as is appropriate, will undertake outreach and positive recruitment activities, such as those listed below:

- All advertisements for employment will include a reference that the College is an equal opportunity employer of individuals with disabilities.
- All sources of applicants and candidates will be reminded and advised of the College's Affirmative Action Plan and will be requested to refer qualified individuals with disabilities to the College.
- All vendors will be reminded of the College's equal opportunity policy by including a reaffirmation statement in the College's purchase orders.
- Contractors and sub-contractors will be reminded of the College's Affirmative Action Plan and requests will be made of them to take similar action.
- When making hiring decisions, the College will consider applicants who are qualified individuals with disabilities for all positions for which they may be qualified when the position applied for is unavailable.
- Attempt to include individuals with disabilities when employees are pictured in consumer, promotional, or help wanted advertising.
- Attempt to include employees who are individuals with disabilities at career fairs, when available.
- Applicants are invited to voluntarily self-identify both pre-offer and post-offer.

The College will track and document the outreach and recruitment efforts it takes over the Plan year. At the end of the Plan year, the College will evaluate each of these efforts in identifying and recruiting qualified individuals with disabilities. The documentation will include the criteria used in the evaluation and conclusion as to whether each effort was effective. If the College determines that the efforts were not effective, the College will identify and implement alternative efforts in order to fulfill our obligation.

All external dissemination and outreach records will be maintained for three years.

## **X. INTERNAL COMMUNICATION OF BASIC AFFIRMATIVE ACTION POLICY**

The College recognizes that implementation of its Affirmative Action Policy is expedited by communication of that Policy to all personnel. Accordingly, the following steps are taken internally to disseminate the Policy:

- All new employees are informed of the College's EEO policies and rules. They are informed of the existence of and provided access to the College's Employee Handbook.
- The College's Affirmative Action Plan for Individuals with Disabilities, absent data metrics, will be available to employees or applicants to review upon request during normal business hours through the Affirmative Action Officer, Vicki M. Cowan.
- Special meetings will be conducted with administrative and supervisory personnel to review the applicable regulations and to discuss such affirmative action measures as training and reasonable accommodation.
- When making internal equal opportunity audits, implementation of this Affirmative Action Plan will be reviewed.
- The College will attempt to include employees who are individuals with disabilities when employees are pictured in consumer, promotional, or help wanted advertising.

## **XI. AUDIT AND REPORTING SYSTEM**

The College has designed an audit and reporting system to implement the Affirmative Action Plan. The audit and reporting system is intended to:

- Measure the effectiveness of the College's Plan;
- Reveal the need for remedial action;
- Determine the degree to which the College's objectives have been attained;
- Determine whether individuals with disabilities have had the opportunity to participate in all the College-sponsored education, training, recreational and social activities; and
- Measure the College's compliance with the Plan's specific obligations.

The College has implemented a process to document the actions taken to comply with the obligations of the audit and reporting system and retain these documents as employment records. If any deficiencies are identified through auditing, the College will undertake necessary action to bring the Plan into compliance. Audit and Reporting Documentation will be provided upon request.

## **XII. RESPONSIBILITY FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN**

### The President

The President of the College, Brennan O'Donnell, Ph.D., holds the ultimate responsibility for the success of this Affirmative Action Plan. This responsibility is complemented by shared responsibilities with other designated departments and officials of the College.

Specifically, the President has delegated primary authority and overall responsibility for the Plan to the Vice President for Human Resources and his/her appointed delegate(s), including the Affirmative Action Officer.

### Vice President for Human Resources and Affirmative Action Officer

The President has pledged full support of his office to the Vice President for Human Resources and his/her appointed delegate(s), including the Affirmative Action Officer, in their work related to equal opportunity and affirmative action and to ensure that the College meets its EEO/AAP obligations. However, it is recognized that these commitments are the combined responsibility of the members of the entire College community.

The Vice President for Human Resources and Affirmative Action Officer's responsibilities include, but are not limited to:

- Internal and external dissemination of the College's equal employment opportunity policy.
- Assisting in the identification of under-utilization problem areas and in establishing time tables for goals and objectives to solve these problems.
- Assisting individual administrators in arriving at solutions to problems.
- Serving as liaison between the College and Enforcement Agencies, organizations, and community actions groups.
- Keeping the Administrative Officers informed of the latest developments in the entire area of equal employment opportunity.
- Conducting periodic audits of hiring, appointment, training and promotional patterns to insure that individuals with disabilities are given full employment opportunities.
- Developing reporting procedures to assist in the identification of problem areas within the employment profile of the College.

### **XIII. TRAINING**

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be trained to ensure that the commitments in the College's Affirmative Action Plan are implemented.

### **XIV. DATA COLLECTION ANALYSIS**

The College documents data pertaining to applicants and hires that are known individuals with disabilities on an annual basis and will maintain this data for a period of three (3) years. The College tracks the appropriate information, including applicants, job openings, jobs filled and hires, as well as applicants and hires that are known individuals with disabilities. The College will provide the available data upon request.

### **XV. UTILIZATION GOAL**

Based on the national average established by the OFCCP, the College has set a goal of seven percent (7.0%) employment of qualified individuals with disabilities for each Job Group in the workforce. The purpose of the utilization goal is to establish a benchmark against which the College can measure the representation of individuals within each Job Group in its workforce. The goal serves as an equal employment opportunity objective that should be attainable by complying with all aspects of the affirmative action requirements. The goal is not a rigid and inflexible quota which must be met, nor is it to be considered either a ceiling or a floor for the employment of particular groups. Quotas are expressly forbidden.

The College will evaluate its utilization of individuals with disabilities in each Job Group and the results will be provided upon request.

When the percentage of individuals with disabilities in one or more Job Groups is less than the College's established goal, the College plans to take steps to determine whether and where impediments to equal employment opportunity exist. When making this determination, the College will assess its personnel processes, the effectiveness of its outreach and recruitment efforts, the results of its Affirmative Action Plan audit, and any other area that might affect the success of the Affirmative Action Plan.

## **XVI. ACTION ORIENTED PROGRAMS**

In implementing its Affirmative Action Plan, the College will take the following steps to ensure that its obligation to take affirmative action for individuals with disabilities is met:

- Job qualification requirements appropriately reviewed pursuant to this Plan will be made available to all personnel involved in the recruitment, screening, selection, and promotion process.
- The total selection process will be scrutinized to ensure freedom from stereotyping of individuals with disabilities in a manner which limits their access to all jobs for which they are qualified.
- All personnel involved in the recruitment, screening, selection, promotion, disciplinary and related processes will be trained to ensure that the commitments made in this Plan are implemented.
- The College will continue to provide on-the-job training opportunities for individuals with disabilities when possible.
- Recruiting efforts at all schools will incorporate special efforts to reach students with disabilities.
- This Affirmative Action Plan for Individuals with Disabilities will be reviewed and updated periodically. If there are any significant changes in procedures as a result of these updates, the changes will be communicated to employees.

## **XVII. INTERNAL PROCEDURE FOR HANDLING COMPLAINTS**

Any applicant or employee who is an individual with a disability and who feels he or she has been subject to discrimination based on his or her disability with respect to any employment decision, may file a complaint with the Affirmative Action Officer, Vicki M. Cowan, at 718.862.7398.

Any complaint will be processed to completion. The affected employee or applicant will be notified of the results. All complaints, and any actions taken under them, will be kept confidential, to the extent practicable.

The College will take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual because that individual has filed a complaint, furnished information, or assisted or participated in any manner in an investigation, compliance review, hearing, or other activity related to the administration of this Affirmative Action Plan.