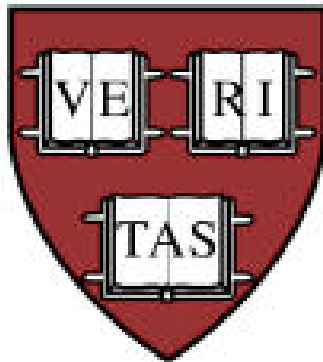


HARVARD UNIVERSITY

Affirmative Action Program

November 1, 2008 - October 31, 2009



for

INDIVIDUALS WITH DISABILITIES

and

COVERED VETERANS

**PRODUCED BY
THE OFFICE OF THE ASSISTANT TO THE PRESIDENT**

HARVARD UNIVERSITY

Affirmative Action Program

2009

Table of Contents

Item	Page
Affirmative Action Program for Persons with Disabilities	1
Harvard Resources for Students with Disabilities	7
Affirmative Action Program for Veterans with Disabilities, Vietnam-Era Veterans and Other Covered Veterans	8

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 qualified employees with disabilities. The University's Affirmative Action Program for employees with disabilities was published in the *Harvard University Gazette* in 1978; it continues to be revised, as appropriate, and is disseminated on a regular basis. Data on the number of Harvard employees with disabilities is available at the Office of the Assistant to the President, (Holyoke Center, 9th Floor, Room 935.)

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, implementing Section 503 of the Rehabilitation Act of 1973.

Section 503(a) provides that contracts with the federal government in excess of \$10,000 for the procurement of property and nonpersonal services "shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified individuals with disabilities." 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.

In accordance with the aforementioned law and regulations, an individual with a disability is defined as one who (1) has a physical or mental impairment that substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment.

A "qualified individual with a disability" means an individual with a disability as defined above who meets the requisite skill, experience, education, and other job-related requirements of the position and who is capable of performing the essential functions of a particular job, with or without reasonable accommodation to his/her handicap.

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 are not required to contain a utilization analysis or goals and timetables. The regulations thus recognize the unique nature of the work force with disabilities which, with its highly individualized skills and abilities, does not lend itself to group generalizations for goals.
- B. The University must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, 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 \$10,00, 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 C.F.R. 60-741.2 (w).

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.

The Affirmative Action Plan at Harvard University

The attached Affirmative Action Plan format 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 all physical or mental job qualification requirements to ensure that they do not screen out qualified applicants with disabilities, are job related, and are consistent with business necessity and safety;
- 5) Making reasonable accommodation to known physical and mental limitations of otherwise qualified individuals with disabilities 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;
- 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 identify themselves on a voluntary basis.

In furtherance of its affirmative action obligations toward persons with disabilities, the University:

- 1) Utilizes publications to inform all employees of the Plan.
- 2) Posts information publicly to inform employees and applicants of the Rehabilitation Act of 1973.
- 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 such qualified individuals with disabilities on a case by case basis.
- 5) Coordinates internal procedures to ensure that the program is implemented.
- 6) 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 assist in identifying qualifications for professional development and/or training.
- 8) Provides written notification of the University's obligation to its contractors and subcontractors.
- 9) Includes 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 (OAP). Any staff member may inspect a copy of the plan in the Office of the University Disability Coordinator, Holyoke Center Room 935, 1350 Massachusetts Avenue, Cambridge, Massachusetts.

The University's Office of Human Resources ensures implementation of personnel policies when qualified individuals with disabilities are considered for hire or promotion.

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 special 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) On-line 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 Division of Unemployment Assistance,
- 2) Contacting local offices or service organizations such as The Resource Partnership, Massachusetts Rehabilitation Commission, and Massachusetts Commission for the Blind.
- 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 and ongoing programs.

Employment Policies and Practices

Pre-employment procedures are scrupulously 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.

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

- 1) The Harvard University employment application and the entire selection process, both in the central Office of Human Resources and 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 the Office of the University Disability Coordinator provide technical assistance to support departments in developing reasonable accommodations for qualified 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 University's Disability Coordinator, located in the Office of the Assistant to the President, has primary responsibility for the implementation of the University's Affirmative Action Plan for Persons with Disabilities. Sources that include qualified individuals with disabilities in their applicant pools are utilized in University recruitment efforts.

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. They are considered for employment and promotion on an equal basis.

The University Disability Coordinator has principal responsibility for outreach, recruitment, and referral of qualified individuals with disabilities. Individuals with disabilities are encouraged to contact and identify themselves to the Coordinator in order to assist with questions about employment.

The University Disability Coordinator also participates in disseminating this policy and keeping the Harvard community aware of issues concerning staff and applicants with disabilities. This duty includes but is not limited to the following:

- 1) Reviewing all job descriptions at Harvard to identify what type of reasonable accommodations may be made.
- 2) Assisting personnel in developing the skills and knowledge necessary to advise both supervisors and the staff members supervised when disability-related challenges arise in the workplace..

- 3) Assisting the Office of Human Resources and human resources officers in developing networks for supervisors of employees with disabilities.
- 4) Assisting in the development of follow-up and tracking of applicants with disabilities.
- 5) Assisting in the evaluation of situations where applicants with disabilities were not hired, and working with Human Resources staff and hiring supervisors to assure that the hiring process is fair, consistent, and effective.
- 6) Advising and consulting with employment professionals about the characteristics of disabilities, and developing effective referral strategies.
- 7) Assisting employment professionals in researching and developing working relationships with agencies, organizations, and individuals that work with, or have contact with, persons with disabilities.
- 8) Working with the Human Resources staff in the continued development and running of seminars for hiring supervisors and personnel administrators who work with persons with disabilities.
- 9) Assisting the Human Resources staff in identifying the career development needs of employees with disabilities at Harvard, and ways to respond to these needs.
- 10) Working within the Office of the Assistant to the President in keeping issues of hiring and supervising persons with disabilities before the administrative deans and the Equal Employment Opportunity Committee.
- 11) Continuing to keep Harvard's commitment to persons with disabilities "in the news;" generating articles for the *Harvard University Gazette, Resource*, and other in-house media.
- 12) Assisting in revisions of those parts of the Affirmative Action Plan related to persons with disabilities.
- 13) Reviewing all 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. 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; provides pertinent personnel information for government agency review where appropriate; and offers the Office of the University Disability Coordinator as a site for informal review, guidance, and counseling when complaints allege discrimination.

Harvard Resources for Students with Disabilities

Harvard University is committed to the policy of providing all students, faculty, and staff common access to academic opportunities, and to attempting to provide access to cultural and recreational facilities and programs at the University. The administrators, faculty, staff, and students listed below are directly involved in working to fulfill that commitment.

University Disability Coordinator

The University officer responsible for coordinating support for students with disabilities is the University Disability Coordinator. This officer, with assistance from the local disability coordinators within each faculty, is responsible for the development of University-wide policy relating to students with disabilities; for compliance with federal, state, and local legislation covering students with disabilities; for identification and publication of central resources; for coordination of University-wide services such as transportation and snow removal; and for providing assistance with the interpretation of federal, state and local regulations.

Local Disability Coordinators

Local faculty disability coordinators are responsible for assisting students with disabilities in their adaptation to the University, and for aiding individual students in resolving particular problems (e.g., finding readers and interpreters, coordinating with the registrar the movement of classes to accessible rooms). After admission acceptances are announced, all entering students with disabilities are encouraged to contact the local disability coordinator for the faculty in which they are enrolled as soon as possible. Local disability coordinators meet with the University Disability Coordinator formally throughout the year.

Resources for Persons with Disabilities

Copies of handbooks, maps, etc. are available from the local disability coordinators or through the University Disability Coordinator, 935 Holyoke Center, Cambridge, MA, telephone: (617) 495-1859 (voice); (617) 495-4801 (TTY).

AFFIRMATIVE ACTION PROGRAM FOR VETERANS WITH DISABILITIES AND VIETNAM-ERA 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 the Jobs for Veterans Act of 2002. In accordance with the aforementioned law and regulations, the following definitions pertain:

A "veteran of the Vietnam era" is defined as a veteran who served on active duty in the U.S. military for more than 180 days and was discharged or released with other than a dishonorable discharge, or who was discharged or released from active duty for a service-connected disability, if any part of such active duty occurred in Vietnam between February 28, 1961 and May 7, 1975, or between August 5, 1964 and May 7, 1975 in any other location..

A "special disabled veteran" is a veteran of the U.S. military 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 to 20 percent in the case of a veteran who has been determined under 38 U.S.C. § 3106 to have a serious employment handicap.

The definition "special disabled veteran" also includes persons discharged or released from active duty because of a service-connected disability.

"Other protected veteran" means a person who served on active duty in the U.S. military during a war or in a campaign or expedition for which a campaign badge has been authorized under laws administered by the Department of Defense.

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

"Armed forces service medal veteran means a person who, while on active duty in the U.S. military, participated in a U.S. military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

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.

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*.
- 3) Publication and dissemination of a summary of the Affirmative Action Plan.
- 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 Division of Unemployment Assistance.
- 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 Services, US Army Research Laboratory, Hanscom Air Force Base, and Defense Contract Management District for the purpose of recruiting for open positions.
- 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 scrupulously 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.