

## **I. INTRODUCTION**

This Section of the Affirmative Action Plan is designed to meet requirements that Southern Illinois University Edwardsville create an affirmative action plan for individuals with disabilities and covered veterans as required by federal and state law.

## **II. POLICY STATEMENT ON DISABILITY AND VETERAN STATUS**

### **A. Policy Statement**

Southern Illinois University Edwardsville (SIUE) fully embraces the policy of affirmative action and equal opportunity for individuals with disabilities and veteran status as required by the Rehabilitation Act of 1973, the Vietnam Era Veteran's Readjustment Act of 1974, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Americans with Disability Act of 1990 (ADA) and the Illinois Human Rights Act as amended. SIUE's discrimination policy prohibits discrimination on the basis of disability in employment practices and policies or the provision of services, educational programs and activities, and other programs or benefits offered by Southern Illinois University Edwardsville.

It is the policy of SIUE not to discriminate against any employee or applicant for employment because he or she is a qualified individual with a disability, a disabled veteran, a newly separated veteran, a campaign veteran, or an armed forces service medal veteran (i.e., qualified protected veterans). It is also the policy of SIUE to take affirmative action to employ and to advance in employment, all persons regardless of their status as qualified individuals with disabilities or qualified protected veterans, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, tenure and promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation.

Employees of, and applicants to, SIUE will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding equal opportunity for qualified individuals with disabilities or qualified protected veterans.

The University reviews personnel activities to determine whether present practices give careful, thorough and systematic consideration of the qualifications of individuals with disabilities, disabled veterans, and qualified protected veterans for employment opportunities filled either by hiring or promotion, and for all training opportunities offered or available.

SIUE will make good faith efforts to analyze requests (written or verbal) for an accommodation and enter into an interactive process with the requester, the requester supervisor, the University ADA Coordinator, and Human Resources to determine whether a reasonable accommodation exists, is appropriate or unless it is demonstrated that an accommodation would impose an undue hardship on the University.

University employees, students, supervisors, applicants for employment and others needing information or seeking assistance regarding this policy, accommodations or complaint

procedures may contact the University's ADA Coordinator, Paul Pitts, in the Office of Institutional Compliance, Room 3310, Rendleman Hall, 618.650.2333. Students seeking assistance or information regarding disabilities services or programs can contact the Office of Disability Services. Their website is located at <http://www.siu.edu/dss/>.

### **III. DEFINITIONS**

#### **A. Individual with a Disability**

A person with a disability is a person who:

1. has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such impairment; or
3. is regarded as having such an impairment.

#### **B. Major Life Activity**

A major life activity is a function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

#### **C. Qualified Person**

1. With respect to employment, a qualified person is one who, with reasonable accommodation can perform the essential functions of a job (see "Essential Functions", item "F").
2. With respect to student services, a qualified person is one who meets the academic and technical standards (all non-academic admissions criteria that are essential to participation in the program) requisite to admission or participation in University educational programs or activities.

#### **D. Reasonable Accommodation and Undue Hardship**

A reasonable accommodation is defined as a modification or adjustment to a job or the work environment that enables a qualified person with a disability to be considered for a position, perform the essential functions of a position, or enjoy the same benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

##### **1. Reasonable Accommodation**

Reasonable accommodation is a critical component of the University's assurance of nondiscrimination. Reasonable accommodation is any change in the work environment or in the way things are usually done that result in equal employment opportunity for an individual with a disability.

The University may make a reasonable accommodation to the known physical or mental limitations of an employee with a disability unless it can be shown that the accommodation would cause an undue hardship on the operation of the unit involved.

Some examples of reasonable accommodation include:

- making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- job restructuring;
- modifying work schedules;
- reassignment to a vacant position;
- acquiring or modifying equipment or devices;
- adjusting or modifying examinations, training materials, or policies; and
- providing qualified readers or interpreters.

The University is not required to lower quality or quantity standards to make an accommodation. Nor is the University obligated to provide personal use items, such as glasses or hearing aids, as accommodations.

## 2. Undue Hardship

The University is not required to provide an accommodation if the accommodation will impose an undue hardship on the operation of its business. Undue hardship is defined by the University as an action that is:

“excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of a University unit.”

In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the unit’s operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

## E. Categories of Qualified Veterans

1. A disabled veteran is a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
2. A qualified veteran is a disabled veteran as defined above who is capable of performing a particular job with reasonable accommodation for his or her disability.
3. A veteran of the Vietnam Era is a person (1) who (a) served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and who was discharged or released therefrom with other than a dishonorable discharge, or was (b) discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975 and (2) who was so discharged or released within 48 months preceding the

alleged violation of the Act, the Affirmative Action clause, and/or the regulations issued pursuant to the Act (“Act” here refers to the Vietnam Era Veteran’s Readjustment Assistance Act).

#### F. Essential Functions

The ADA does not require a formal job analysis or any particular method of analysis to identify the essential functions of a job. An employer may wish to conduct an informal analysis by observing and consulting with people who perform the job, or have previously performed it, and their supervisors. If possible, it is advisable to observe and consult with several workers, under a range of conditions, to get a better idea of all job functions and the different ways they may be performed. Production records and workloads also may be relevant factors to consider.

To identify essential job functions under the ADA, a job analysis should focus on the purpose of the job and the importance of actual job functions in achieving this purpose. Evaluating “importance” may include consideration of the frequency with which a function is performed, the amount of time spent on the function, and the consequences if the function is not performed. The analysis may include information on the work environment (such as unusual heat, cold, humidity, dust, toxic substances or stress factors). The job analysis may contain information on the manner in which a job currently is performed, but should not conclude that ability to perform the job in that manner is an essential function, unless there is no other way to perform the function without causing undue hardship. A job analysis will be most helpful for purposes of the ADA if it focuses on the results or outcome of a function, not solely on the way it customarily is performed.

Departments or units may contact the Office of Institutional Compliance or Human Resources for assistance in determining the essential functions of a job.

### **IV. RESPONSIBILITIES AND OBLIGATIONS**

#### A. Responsibility for Implementing Equal Opportunity Policy

The Chancellor assumes final responsibility for implementation of the Equal Opportunity Policy. However, the Assistant Chancellor for Institutional Compliance is responsible for the continuing development, implementation, and monitoring of the policy. This includes:

1. Discussing and explaining provisions of the plan with top administration;
2. Designing and implementing auditing and monitoring systems that:
  - a. measure the effectiveness of affirmative action for veterans and individuals with disabilities;
  - b. indicate need for remedial action; and
  - c. determine the degree to which the University’s goals and objectives are met.
3. Serving as liaison between the University and compliance agencies;

4. Serving as liaison between the University and veterans organizations and community action groups concerned with employment opportunities for individuals with disabilities; and
5. Reviewing qualifications of employees with disabilities, disabled veterans, qualified protected veterans, to ensure that they are given full opportunities for transfers and promotions.

**B. Development of Programs**

In establishing this section of the Affirmative Action Plan, the following guidelines apply:

1. Reviewing and modifying job qualification requirements when necessary;  
  
Analyzing the selection process to ensure that employees and/or applicants with disabilities, disabled veterans, and qualified protected veterans have access to employment opportunities;
2. Training appropriate personnel involved in the recruitment, screening, selection, promotion, discipline, and other related personnel functions in affirmative action and equal opportunity guidelines;
3. Advising recruiting units of the Affirmative Action Plan and soliciting assistance in recruitment and placement of qualified individuals with disabilities, disabled veterans, qualified protected veterans; and
4. Including qualified employees with disabilities, disabled veterans, and qualified protected veterans on the Human Resources staff.

**V. DETERMINATION OF DISABILITY STATUS**

In determining an individual's disability status, the University may:

1. Require an applicant or employee to provide medical documentation of any impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the University's expense.
2. Require a disabled veteran to submit documentation from the Veterans Administration or military service or a release indicating his or her disability status. Such documentation should be updated as required.
3. Make determination of a disability under 41 CFR 60-250 and CFR 60-741 for affirmative action purposes only and is not used to exclude or otherwise limit employment opportunities of qualified veterans and individuals with disabilities.

**VI. General Guidelines for Accommodations and Other Related Requirements**

A. Reasonable Accommodations

The University may provide reasonable accommodation if appropriate to any qualified individual with a disability if such accommodation is required to perform the essential functions of a position and the accommodation does not pose an undue hardship or a direct threat to the health and safety of the individual or other employees of the University. The need to provide such accommodation may not be a factor in any employment action involving the individual.

In many cases the employing unit may be able to determine and achieve appropriate reasonable accommodation without assistance. However, in some instances, the employing unit may require assistance in this process. The University ADA Coordinator in concert with Human Resources may be called upon to assist in determining when a reasonable accommodation is required and in determining an appropriate accommodation.

Applicants seeking employment with the University can obtain information concerning accommodations in the application process from Human Resources, Room 3210, Rendleman Hall, 618.650.2190.

B. Review of Qualifications and Obligations to Individuals with Disabilities and Disabled Veterans

The University periodically reviews job descriptions and job qualifications to ensure that individuals with disabilities, disabled veterans, and qualified protected veterans are not being unfairly eliminated from employment considerations. SIUE takes affirmative action to employ, advance in employment, and otherwise treat qualified individuals with a disability without regard to their disability, including but not limited to recruitment, employment, promotion, compensation, training, layoffs, transfers, terminations, and job benefits.

C. Identification Invitation

The University will post notices inviting veterans and individuals with disabilities to identify themselves for affirmative action purposes. These notices are posted in Human Resources. Such information is strictly confidential and used for affirmative action purposes.

D. Compensation

The University does not reduce an employee's wages or salary because of disability income, pension, or other similar sources of payment.