SAN JOSÉ STATE UNIVERSITY

PART II: AFFIRMATIVE ACTION PLAN FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

FOR

NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2024

PART II

AAP FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

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CHAPTER A: POLICY STATEMENT 41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of SAN JOSÉ STATE UNIVERSITY and my personal commitment that equal employment opportunity be provided in the employment and advancement for all persons regardless of race, religion, color, national origin, sex, age, status as a protected veteran or individual with a disability at all levels of employment, including the executive level. SAN JOSÉ STATE UNIVERSITY does not and will not discriminate against any applicant or employee regardless of race, religion, color, national origin, sex, age, status as a protected veteran and/or individual with a disability to any position for which the applicant or employee is qualified. In addition, SAN JOSÉ STATE UNIVERSITY is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veteran employees. Such affirmative action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. SAN JOSÉ STATE UNIVERSITY will make every effort to provide reasonable accommodations to any physical and mental limitations of individuals with disabilities and to disabled veterans.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

(1) Filing a complaint;

- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;
- (3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans or section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or
- (4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

Our obligations in this area stem from not only adherence to various state and federal

regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of race, religion, color, national origin, sex, age, status as a protected veteran or an individual with disability. SAN JOSÉ STATE UNIVERSITY'S EEO policy and affirmative action obligations include the full support from President Cynthia Teniente-Matson.

SAN JOSÉ STATE UNIVERSITY will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the AAP, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in University-sponsored activities were extended to all employees and applicants.

The SAN JOSÉ STATE UNIVERSITY is also committed to abiding with the Pay Transparency Nondiscrimination Provisions. Employees or applicants who have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant will not be discharged or in any other manner be discriminated against. Employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the SAN JOSÉ STATE UNIVERSITY's legal duty to furnish the information.

If you have any questions regarding our equal employment opportunity, harassment policies or the complaint procedure, you may contact your local University Personnel representative. Parts of the Affirmative Action Plan may be reviewed, as appropriate, by making an appointment with a local University Personnel representative.

MAHNA FINIALE MAKIN Signature)

Cynthia Teniente-Matson, Ed.D.

President

CHAPTER B: REVIEW OF PERSONNEL PROCESSES 41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner that provides and promotes equal employment opportunity for all known protected veterans and employees and applicants with disabilities, reviews are periodically made of the University's examination and selection methods to identify barriers to employment, training, and promotion.

- SAN JOSÉ STATE UNIVERSITY periodically conducts a review of its employment processes to ensure thorough and systematic consideration of the job qualifications of 1) known protected veteran applicants and employees; and 2) applicants and employees with disabilities for job vacancies filled either by external hiring or internal promotions/transfers, as well as for all training opportunities available. In order to determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known protected veterans and individuals with disabilities, both applicants and employees. In determining the qualifications of a protected veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
- 2) The University ensures that its personnel processes do not stereotype individuals with disabilities or protected veterans in a manner which limits their access to jobs for which they are qualified.
- The University ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies.
- The University provides reasonable accommodations, unless such accommodations will cause undue hardship to the University, to applicants and employees with disabilities to ensure that equal employment opportunities are extended in the operation of its personnel processes.
- 5) The University ensures that information and communications systems are accessible to all employees and applicants with disabilities even in the absence of a specific request for accommodation.

CHAPTER C: PHYSICAL AND MENTAL QUALIFICATIONS 41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements are job-related and promote equal employment opportunity for all known protected veterans and employees and applicants with qualified disabilities, reviews are periodically made of the University's physical and mental qualifications and requirements as they relate to employment, training, and promotion.

The University's physical and mental job requirements are reviewed to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

<u>Schedule for Review</u>: Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.)

CHAPTER D: REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS 41 C.F.R. §§ 60-300.44(d); 60-741.44(d)

SAN JOSÉ STATE UNIVERSITY will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities or who are disabled veterans unless it can demonstrate that the accommodations would impose an undue hardship on the operation of business. Such reasonable accommodations are implemented in the University's electronic and/or online application systems. The University ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the system, are provided equal opportunities to apply and be considered for all jobs. SAN JOSÉ STATE UNIVERSITY will confidentially review performance issues of employees with known disabilities to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 2) it is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following at any time to formally request an accommodation:

Name: Yazmin Perez

Title: Leave and Employment Accommodations Resource Center Manager

Phone: (408) 924-2155

Email: yazmin.perez@sjsu.edu

CHAPTER E: HARASSMENT 41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

SAN JOSÉ STATE UNIVERSITY has developed and implemented a set of procedures to ensure that its employees with disabilities and protected veterans are not harassed due to those conditions. A copy of the sexual harassment policy, which includes a section prohibiting harassment of individuals with disabilities or protected veterans, is available for distribution to new as well as existing employees.

CHAPTER F: EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT 41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

Based upon the University's review of its personnel policies as described in Chapter B, the following activities will be implemented or continued to further enhance our affirmative action efforts. All activities are the responsibility of the Senior Director, Employee Relations, Retention and Equal Opportunity in collaboration with the Faculty Services Unit in University Personnel.

- 1) Initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for protected veterans and individuals with disabilities.
- 2) Include workers with disabilities when employees are pictured in consumer, promotional, or help wanted advertising.
- 3) Disseminate information concerning employment opportunities to publications that primarily reach protected veterans and individuals with disabilities.
- 4) Provide information emphasizing job opportunities for protected veterans and individuals with disabilities to all local educational institutions, public and private.
- 5) Inform all recruiting sources, in writing and orally, of the University's affirmative action policy for protected veterans and individuals with disabilities.
- 6) List with the State Employment Development Department all suitable job openings.

The exemptions for posting jobs are:

- (1) executive and top management positions,
- (2) positions that will be filled from within the contractor's organization,
- (3) positions lasting three days or less.

This is an on-going activity. A listing of job opportunities reported to the local State Employment Service Delivery System is always kept current.

- Send written notification of the University's affirmative action policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part. This includes their obligation to annually file their EEO Reporting form and VETS-4212 form and, for employers with 50 or more employees and contracts of \$50,000 or more, their obligation to develop a written affirmative action plan.
- 8) Participate in veteran's job fairs.
- 9) SAN JOSÉ STATE UNIVERSITY will also grant leaves of absence to employees who participate in honor guards for the funerals of veterans.

CHAPTER G: INTERNAL DISSEMINATION OF POLICY 41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

In order to gain positive support and understanding for the affirmative action program for protected veterans and individuals with disabilities SAN JOSÉ STATE UNIVERSITY will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Senior Director, Employee Relations, Retention and Equal Opportunity. The following policies and procedures are designed to foster support and understanding from SAN JOSÉ STATE UNIVERSITY's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid SAN JOSÉ STATE UNIVERSITY in meeting its obligations.

- 1) Include the policy in the University's policy manual and other in-house publications.
- 2) Annual communication to executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the President's vision.
- 3) Schedule training sessions for all employees involved in recruiting, selection, promotion, and other related employment issues for protected veterans and individuals with disabilities.
- 4) Include non-discrimination clauses in all union agreements and review all contractual provisions to ensure they are non-discriminatory.
- 5) Include articles on accomplishments of protected veterans and workers with disabilities in University publications.
- Post the policy on University bulletin boards, along with the University's harassment policy which includes protection from harassment on the basis of disability.
- 7) When employees are featured in employee handbooks or similar publications for employees, include employees with disabilities.

CHAPTER H: AUDIT AND REPORTING SYSTEM 41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

SAN JOSÉ STATE UNIVERSITY has developed and currently implements an audit and reporting system that addresses the following:

- 1. Measures the effectiveness of SAN JOSÉ STATE UNIVERSITY's overall Affirmative Action Program and whether the University is in compliance with specific obligations.
- 2. Indicates the need for remedial action.
- 3. Measures the degree to which SAN JOSÉ STATE UNIVERSITY's objectives are being met.
- 4. Our Employment Accommodations Resource Center (EARC) audits and reports on our progress concerning accommodations for any University sponsored education or training on campus for employees with disabilities. The EARC has in place the Accommodations Review Board (ARB) which assesses undue hurdles for individuals with disabilities and veterans. The ARB oversees all accommodation disputes. Information about the EARC is available at: www.sjsu.edu/earc/.
- 5. The Accessible Education Center (AEC) also states policy regarding accessibility to campus events, whether social or recreational. For a complete listing of Accessible Education Center policies regarding accommodations for students, please refer to: http://www.aec.sjsu.edu/about/policies_guidelines.htm.
- 6. SAN JOSÉ STATE UNIVERSITY has a committee that implements the Accessible Technology Initiative (ATI) which states that the campus will follow state and federal laws mandating access to technology as well as to ensure a culture of inclusive learning.

CHAPTER I: RESPONSIBILITY FOR IMPLEMENTATION 41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure equal employment opportunity to protected veterans and individuals with disabilities, SAN JOSÉ STATE UNIVERSITY has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the President, Senior Associate Vice President for University Personnel, Senior Director, Employee Relations, Retention and Equal Opportunity, and those employed as supervisors and managers have undertaken the responsibilities described below.

<u>President</u>

The President is responsible for providing top management support for the University's AAP. The President issues a memo annually to reaffirm the University's Equal Employment Opportunity Policy and to make known to all employees and applicants the commitment of Senior Management to EEO and affirmative action. Additional responsibilities include, but are not limited to:

- 1) Designating appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring the University's AAP. Ensuring that these personnel are identified in writing by name and job title.
- 1) Ensuring that designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
- 1) Imparting the personal direction that ensures total involvement and commitment to equal employment opportunity programs through SAN JOSÉ STATE UNIVERSITY'S AAP.

Senior Associate Vice President for University Personnel

The Senior Associate Vice President for University Personnel is responsible for overall supervision of the AAP. The Senior Associate Vice President for University Personnel ensures, through the Senior Director, Employee Relations Retention and Equal Opportunity, and department managers and supervisors that all relevant policies and procedures are adhered to. Successful implementation of this program is a basis for evaluating the Senior Associate Vice President for University Personnel's effective work performance. The Senior Associate Vice President for University Personnel's responsibilities include, but are not limited to, the following:

- 1) Presenting all needed recommendations and procedural changes to Senior Management concerning EEO and affirmative action and ensuring that Senior Management is kept informed of the University's compliance status.
- 2) Maintaining University-wide management support and cooperation for the University's AAP.
- 3) Collaborating with Senior Management on EEO and AAP issues.

- 4) Assisting line management in arriving at solutions to EEO/AA problems.
- 5) Reviewing results of audit and reporting systems to assess the effectiveness of the University's AA programs and to direct corrective actions where necessary.
- 6) Ensuring that the AAP is updated annually for all establishments.
- 7) Providing guidance to managers and supervisors in taking proper action to prevent employees from being harassed in any way, through one-on-one contact, training, and disciplinary action.
- 8) Providing guidance and direction to the Senior Director, Employee Relations, Retention and Equal Opportunity.
- 9) Ensuring that relevant staff, (i.e., Senior Director, Employee Relations, Retention and Equal Opportunity, managers and supervisors) are aware that their work performance is being evaluated in part on the basis of their equal employment opportunity efforts and results.
- Reviewing the qualifications of all employees to ensure equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
- 11) Conducting periodic audits of: 1) training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives, and 2) the University's sponsored educational, training, recreational, and social activities to ensure that all employees are encouraged to participate in accordance with policies on nondiscrimination. Determine whether known protected veterans and employees with disabilities have had the opportunity to participate in all University-sponsored educational, training, recreation and social activities.
- Reviewing all job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensuring that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.
- Ensuring the University's VETS-4212 form is filed annually with the Veterans' Employment and Training Service (VETS).

Senior Director, Employee Relations, Retention and Equal Opportunity

The Senior Director, Employee Relations, Retention and Equal Opportunity is responsible for ensuring that the directives of the President and Senior Associate Vice President for University Personnel are implemented. The Senior Director, Employee Relations, Retention and Equal Opportunity's duties include, but are not limited to, the following:

- 1) Providing direction to the University's staff, as necessary, to carry out all actions required to meet the University's equal employment opportunity and affirmative action commitments.
- 2) Responsible for the design and effective implementation of the AAP at all establishments.
- 3) Developing, implementing, and maintaining audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will
 - a) Indicate need for remedial action.
 - b) Determine degree to which goals and objectives have been obtained.
- 4) Advising management in the modification and development of the University's policies to ensure the enhancement of equal employment opportunity for all staff and potential new staff within existing equal employment opportunity guidelines.
- 5) Identifying problem areas and establishing procedures, goals and objectives to solve these problems.
- 6) Providing guidelines in the development, preparation, and implementation of career counseling programs for known protected veterans and employees with disabilities.
- SAN JOSÉ STATE UNIVERSITY supports ensuring that all required posters and the equal employment opportunity policies and AAP are displayed properly. SAN JOSÉ STATE UNIVERSITY also conducts audits to ensure that the Invitation to Self-Identify (pre and post offer) for protected veterans and individuals with disabilities, the University 's equal employment opportunity, and AAP policies are being utilized appropriately and thoroughly communicated.
- 8) Ensure that employees are re-surveyed regarding their disability status every five (5) years and send out reminders to employees, at least once during the five (5) year intervals, that they may voluntarily update their disability status at any time.
- 9) Developing policy statements, affirmative action programs, internal and external communication techniques.
- 10) Assisting line management in arriving at solutions to problems.
- Serving as the liaison between SAN JOSÉ STATE UNIVERSITY and enforcement agencies.
- 12) Serving as the liaison between SAN JOSÉ STATE UNIVERSITY and organizations and community action groups for protected veterans and individuals with disabilities, in addition to ensuring that representatives are involved in community service

programs of local organizations for protected veterans and individuals with disabilities.

- Keeping management informed of the latest developments in the equal employment opportunity area.
- Reviewing, reporting on, and updating the AAP annually in accordance with stated policy. Informing employees and applicants of significant changes.
- Working closely with the Senior Associate Vice President for University Personnel and department managers and supervisors in coordinating the effective implementation of all identified affirmative actions.
- Assisting in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.
- 17) Responsible for ensuring overall the University's compliance with the AAP.

Managers and Supervisors

In their direct day-to-day contact with the University's employees, managers and supervisors have assumed certain responsibilities to help SAN JOSÉ STATE UNIVERSITY ensure compliance with equal employment opportunity programs and effective implementation of the AAP. These include, but are not limited to the following:

- 1) Aggressively adhering to the University's equal employment opportunity policy.
- 2) Supporting and assisting the Senior Associate Vice President for University Personnel and Senior Director, Employee Relations, Retention and Equal Opportunity, in developing, maintaining, and successfully implementing the AAP.
- 3) Completing progress reports regarding the status of affirmative action programs.
- 4) Taking action to prevent harassment of employees placed through affirmative action efforts.
- Assigning employees to significant projects/tasks/duties that might lead to greater personal growth and value, and counsel them with respect to what is needed for upward mobility within the employment structure and applicable guidelines.
- 6) Consulting with the Faculty Services Unit of University Personnel to ensure that all interviews, offers of employment and/or wage commitments are consistent with SAN JOSÉ STATE UNIVERSITY'S policy.
- 7) Supporting the internal promotion and transfer of all employees under their supervision consistent with AAP goals and objectives.

- 8) Assisting in identifying problem areas and providing needed information for establishing and meeting department affirmative action goals and objectives.
- 9) Seeking and sharing information on possible accommodations which have been or could be made for known disabilities.

CHAPTER J: TRAINING 41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

SAN JOSÉ STATE UNIVERSITY trains all employees involved in any way with the recruitment, selection, promotion, disciplinary actions, training, and related processes of individuals with disabilities or protected veterans to ensure commitment to the University's stated affirmative action goals.

CHAPTER K: DATA COLLECTION ANALYSIS 41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

SAN JOSÉ STATE UNIVERSITY has adopted the current national percentage of veterans in the civilian labor force of 5.5% as its hiring benchmark for protected veterans. SAN JOSÉ STATE UNIVERSITY will update its hiring benchmark as new data is published and updated via the OFCCP's website. The 5.5% hiring benchmark is applied to each job group within SAN JOSÉ STATE UNIVERSITY.

SAN JOSÉ STATE UNIVERSITY also adopted the current national utilization goal of 7.0% for qualified individuals with disabilities. SAN JOSÉ STATE UNIVERSITY will update its utilization goal as new data becomes available, updated and published. The 7.0% utilization goal is applied to each job group within SAN JOSÉ STATE UNIVERSITY.

Goals and/or benchmarks do not require that SAN JOSÉ STATE UNIVERSITY hire, promote, train, and/or retain a specified number of individuals with disabilities and/or protected veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets reasonably by means of applying every good faith effort to make all aspects of the entire AAP work. A goal is a guidepost against which SAN JOSÉ STATE UNIVERSITY, a community group, or a compliance agency can measure progress in remedying identified deficiencies in SAN JOSÉ STATE UNIVERSITY's workforce.

SAN JOSÉ STATE UNIVERSITY is collecting the required data to identify areas of opportunities in the employment of protected veterans and individuals with disabilities. SAN JOSÉ STATE UNIVERSITY will continue to monitor periodically during each AAP year. In each case where the hiring benchmark for protected veterans and/or the utilization goal for individuals with disabilities are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in Chapter F (External Dissemination of Policy and Outreach and Positive Recruitment) and measures described in Chapter H (Internal Audit and Reporting) of this AAP.

CHAPTER L: COMPENSATION 41 C.F.R. §§ 60-300.21(i); 60-741.21(i)

It is the policy of SAN JOSÉ STATE UNIVERSITY that when offering employment or promotion to protected veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.

SAN JOSÉ STATE UNIVERSITY is also committed to abiding with the Pay Transparency Nondiscrimination Provisions. Employees or applicants who have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant will not be discharged or in any other manner be discriminated against. Employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with SAN JOSÉ STATE UNIVERSITY's legal duty to furnish the information.

Data Collection for Individuals with Disabilities

For period 10-31-2023 to 10-30-2024



Factor for Analysis	Total
Number of Job Openings	1260
Number of Jobs Filled	1260
Number of IWD Applicants	439
Number of Applicants	4398
Number of IWD Hires	52
Number of Hired Applicants	489

Footnote Section



Confidential - Not subject to inspection by employees or applicants under 41 CFR Section 60-741.41.

Data Collection for Protected Veterans

For period 10-31-2023 to 10-30-2024



Factor for Analysis	Total
Number of Job Openings	1260
Number of Jobs Filled	1260
Number of Protected Veteran Applicants	44
Number of Applicants	4398
Number of Protected Veteran Hires	2
Number of Hired Applicants	489

Footnote Section



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CSU San Jose (San Jose State University)

2024 Full Year Affirmative Action Plan

CSU San Jose (San Jose State University)

Veteran Benchmarks for Hiring Analysis

For period 10-31-2023 to 10-30-2024



Hiring %	Benchmark %	Benchmark Met?
0.41	5.20	No

Footnote Section



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