

Roane State Community College

Affirmative Action Plan  
For  
Individuals With Disabilities

2015

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## Definitions

The following definitions apply in this Affirmative Action Plan.

Disability, or Disabilities, with respect to an individual, means:

1. A physical or mental impairment that substantially limits one or more major life activities for such individual;
2. A record of such an impairment or being regarded as having such an impairment.

This definition does not include individuals:

- 1) currently engaging in the illegal use of drugs when the College acts on the basis of such use;
- 2) whose current use of alcohol prevents them from performing the essential functions of the employment position or whose current alcohol abuse would constitute a direct threat to property or to the health or safety of the individual or others; or
- 3) who currently have a contagious disease or infection that prevents them from performing the essential functions of the employment position, or who, by reason of such disease or infection, would constitute a direct threat to the health or safety of the individual or others.

Collectively, we refer to individuals with disabilities as “disabled” or “individuals with disabilities.”

## **A. Policy Statement on Behalf of Individuals With a Disability**

41 CFR § 60-741.44(a)

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Roane State Community College will be based on merit, qualifications and abilities. It has been and shall continue to be both the official policy and the commitment of the college to further equal employment opportunities for all persons regardless of, among other characteristics, disability or protected veteran status. The college's EEO policy, as well as its affirmative action obligations, includes the full and complete support of the college, including its president. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

In furtherance of its EEO policy, the college will recruit, hire, train, and promote persons in all job titles, and ensure that all other personnel actions are administered, without regard to disability or protected veteran status. Roane State will also ensure that all employment decisions are based only on valid job requirements.

Roane State Community College will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

Harassment of any individual on the basis of disability or protected veteran status is prohibited. Employees and applicants can raise concerns and make reports without fear of reprisal. They will not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities:

- A. filing a complaint
- B. assisting or participating in an investigation, compliance evaluation, hearing or any other activity related to the administration of the affirmative action provisions of Section 503 of the Rehabilitation Act or any other federal, state or local equal employment opportunity or affirmative action statute;
- C. opposing any act or practice made unlawful by Section 503 or its implementing regulations at 41 CFR § 60-741, or any other federal, state or local law requiring equal opportunity for protected veterans; or
- D. exercising any other employment right protected by Section 503 or its implementing regulations under 41 CFR § 60-741.

For information regarding the College's internal policies for addressing complaints of harassment, please refer to the Roane State's web page. Any employees with questions or

concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of the Affirmative Action Officer or their supervisor.

Christopher Whaley, President, has overall responsibility for equal opportunity and affirmative action compliance and expects that each member of the College community will support his commitment to equal opportunity and affirmative action. Responsibility for implementation of the affirmative action requirements has been assigned to Odell Fearn, Director of Human Resources and Affirmative Action Officer. Roane State Community College maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates.

## **B. Review of Personnel Processes**

41 CFR § 60-741.44(b)

Roane State Community College reviews its employment practices to ensure that personnel processes provide for careful, thorough and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion and for all training opportunities. In addition, the College ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. The College makes such information and communication technologies accessible to individuals with disabilities and disabled protected veterans, even absent a specific request for reasonable accommodation.

The College provides any necessary reasonable accommodation to ensure applicants and employees with disabilities receive equal opportunity in the operation of personnel processes. Roane State also ensures that its personnel processes do not stereotype individuals with disabilities in a manner which limits their access to jobs for which they are qualified.

The College reviews and makes modifications to its personnel processes as necessary to ensure compliance with applicable requirements. Following are procedures which facilitate this review and modifications being implemented as a result of the review:

1. The College invites applicants and employees to self-identify as individuals with disabilities.
2. In each case where a known individual with a disability is rejected for employment or promotion, the College maintains records related to the reason for rejection as well as a description of any accommodations considered if disability was the reason for rejection. The College makes this information available to the applicant or employee concerned upon request.
3. Human Resources keeps records that contain a description of any accommodation which made it possible to place an individual with a disability in a job. These records are treated as confidential medical records.
4. Records are kept for all employees, including individuals with disabilities, that identify Roane State courses or e-learning opportunities in which they have participated.

## **C. Review of Physical and Mental Qualifications**

41 CFR § 60-741.44(c)

Roane State Community College reviews the physical and mental qualifications of all its jobs. None have requirements that tend to screen out qualified individuals with disabilities unless they are job-related and consistent with business necessity and the safe performance of the job. Specific procedures include:

1. The College reviews physical and mental qualifications of a job whenever the job specifications or position description for that job are revised.
2. Prior to posting for a vacancy, all aspects of a job description are reviewed, including physical and mental qualifications.
3. As part of the annual performance review process for all employees, job descriptions are reviewed by both the employee and supervisor and revised as necessary. Instructions for this process are being modified to further emphasize that physical and mental job qualifications must be job-related and consistent with business necessity to avoid screening out qualified individuals with disabilities.
4. Records are maintained relating to the specific reasons for non-selection of applicants, including individuals with disabilities. These records are carefully reviewed to ensure that such reasons are job-related and consistent with business necessity and the safe performance of the job.
5. For those positions for which Roane State Community College requires a post-offer, pre-placement physical examination, all entering employees in the same job category are subject to the same examination, regardless of disability. To the extent criteria may tend to screen out applicants with known disabilities, the criteria are carefully reviewed to ensure that they are job-related and consistent with business necessity and the safe performance of the job.

## **D. Reasonable Accommodation to Physical and Mental Limitations**

41 CFR § 60-741.44(d)

Reasonable accommodations are offered to the known physical and mental limitations of otherwise qualified individuals with disabilities unless it can be demonstrated that such accommodations would impose an undue hardship on the operation of the College.

If an employee who is known to be an individual with a disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, such employee's supervisor will confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, the College shall confidentially inquire whether the employee is in need of a reasonable accommodation. This does not mean that poor performance will be tolerated; a reasonable accommodation is that which will permit the employee to perform the job in accordance with those standards established by the supervisor for all employees in the same or similar position.



## **E. Harassment**

CFR § 60-741.44(e)

Roane State Community College prohibits harassment of employees on account of their status as individuals with disabilities. Any employee who believes he or she has been harassed in violation of this policy is urged to bring the matter to the immediate attention of their supervisor or the Affirmative Action Officer.

1. Information regarding Roane State Community College's internal policies for addressing complaints of harassment is available on the web page.
2. It is the commitment of the College that no individual shall be subjected to retaliation for identifying affirmative action problem areas or concerns or participating in any of the College's discrimination grievance processes.
3. The investigation of any such complaint shall be carried out promptly and shall involve only those persons with a need to know.
4. Any employee found to have violated College policy prohibiting harassment of another employee based on any protected status is subject to discipline up to and including discharge, depending on the severity of the offense.

## **F. External Dissemination of Policy, Outreach and Positive Recruitment**

41 CFR § 60-741.44(f)

Following are some of the efforts the College currently takes to disseminate our policy externally and to effectively recruit qualified individuals with disabilities.

1. We send position announcements to local and regional referral agencies, many of whom serve individuals with disabilities and veterans as well as female and minority constituents. We notify these agencies that we are actively seeking qualified workers with disabilities as well as women, minorities, and protected veterans and request that they inform potential applicants of our employment opportunities.
2. Newspaper advertisements and other recruiting communications include a statement that “The Roane State Community College is an equal opportunity, affirmative action institution committed to cultural diversity and compliance with the ADA. The College encourages all qualified individuals to apply, and does not discriminate on the basis of any protected status, including veteran and disability status,” or “EO/AA/Veterans/Disability institution committed to cultural diversity”.
3. As the College progresses through this first affirmative action year since implementation of the new Section 503 regulations, we will be assessing and documenting the effectiveness of our external outreach and recruitment efforts. If it is concluded that our efforts were not successful, we will identify and implement alternative efforts in order to fulfill our obligations. Records and documents will be retained for three years. Criteria to be evaluated in this assessment will include:
  - Did the outreach activity attract qualified applicants with disabilities?
  - Did the activity result in the hiring of qualified individuals with disabilities?
  - Did the activity expand the College’s outreach to individuals with disabilities in the community?
  - Did the activity increase the College’s ability to include individuals with disabilities in its workforce?
  - What impact did the College’s efforts have on the overall number of applicants identified as individuals with disabilities; and what impact did the College’s efforts have on the number of job offers to individuals with disabilities as calculated pursuant to 41 CFR § 60-741.44(k)?

## **G. Internal Dissemination of Policy**

41 CFR § 60-741.44(g)

Roane State Community College recognizes that even a strong outreach program will be ineffective without adequate internal support from supervisory and administrative personnel and other College employees. To assure greater employee cooperation and participation in the College's efforts to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities, the College has developed the following internal procedures. These procedures are designed to foster understanding, acceptance and support among the College's senior executives, administrators, supervisors and other employees and to encourage such persons to take the actions necessary for the College to meet its obligations.

- A. The College's equal opportunity policy statement is posted in appropriate locations on campus.
- B. The Affirmative Action Plan for Individuals With Disabilities is available via the College's web page(s).

## **H. Audit and Reporting System**

41 CFR § 60-741.44(h)

An important element in effectively implementing our EEO/AA policies is an adequate internal audit and reporting system. For this purpose we have developed a system that:

- 1) Measures the effectiveness of Roane State Community College's affirmative action program.
- 2) Indicates any need for remedial action.
- 3) Assists in determining the degree to which the College's objectives are being attained.
- 4) Assists in determining whether individuals with known disabilities have had the opportunity to participate in all College sponsored educational, training, recreational and social activities.
- 5) Measures the College's compliance with the affirmative action program's specific obligations.
- 6) Documents the actions the College takes to comply with the obligations listed above and retains such documents as employment records.

Where Roane State finds any portion of its affirmative action program to be deficient, the College undertakes action necessary to bring the program into compliance. We have developed an audit and reporting system review that documents when the regulatory requirements were reviewed, our conclusion as to whether the College is in compliance, and any necessary follow-up actions.

## I. Responsibility for Implementation

41 CFR § 60-741.44(i)

Odell Fearn, Director of Human Resources and Affirmative Action Officer, serves as equal employment opportunity officer for Roane State Community College and has the full support of top administration within the College. Mr. Fearn is responsible for implementing, monitoring, and administering the affirmative action program for individuals with disabilities.

### A. Among other things, the Equal Employment Opportunity Officer will:

Develop policy statements, affirmative action programs, and internal and external communication techniques, including discussions with managers, supervisors and employees, to ensure the company's policies are followed.

Identify problem areas in the implementation of the affirmative action program in conjunction with administrators and management, and develop solutions.

Maintain an audit and reporting system to monitor the progress of the program.

Serve as liaison between the College and enforcement agencies, minority, women and/or community action groups, and veteran and disabled service organizations.

Conduct discussions with managers, supervisors, and employees to ensure that the College's EEO/AAP policies are being followed.

Work with College officials to ensure that mechanisms are in place so that supervisors and managers understand that they are accountable for helping the College meet affirmative action goals.

**B. Other Officers, Administrators and Supervisors** are responsible to implement the Affirmative Action Program within their areas of responsibility. This includes monitoring hiring and promotion practices, identifying problem areas, and taking other action as outlined in this Plan.

## **J. Training of Personnel Involved in Selection**

41 CFR § 60-741.44(j)

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes have been, and will continue to be, informed to ensure that the commitments in the Roane State Community College's Affirmative Action Plan related to individuals with disabilities are carried out.

The College is currently exploring ways to reinforce its existing efforts. Under consideration is:

- a fact sheet that would be sent to the search committee chairperson and hiring contact for each active recruitment that would summarize the elements involved in the College's obligation to employ and advance in employment individuals with disabilities. Responsibilities related to recruitment, screening and selection would be highlighted and it is expected that this information would be shared with any others involved in the search, including additional search committee members and support staff.

## **K. Benchmark Recruitment Goal for Individuals With Disabilities**

41 CFR §§ 60-741.44(k) and 60-741.45

Roane State Community College is collecting recruitment and hire data for individuals with disabilities. This data will be used to evaluate the recruitment and representation of individuals with disabilities in each job group within the College's workforce. An annual assessment will be made as to whether the College's efforts have been successful in attaining OFCCP's 7% utilization goal for the employment of qualified individuals with disabilities in each job group. This utilization goal is not a rigid and inflexible quota which the College must meet, nor is it intended to represent a ceiling or floor for the recruitment of qualified individuals with disabilities.

The following data is being collected for each job group and the first assessment under the revised Section 503 regulations will be made at the end of this plan year.

- total number of applicants who self-identify as individuals with disabilities or who are otherwise known individuals with disabilities
- total number of job openings
- total number of jobs filled
- total number of applicants for all jobs
- number of applicants with disabilities hired
- total number of applicants hired