

EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PLAN (AAP)

for

**SAN JOSÉ STATE UNIVERSITY
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NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2024

PART I: AAP FOR MINORITIES AND WOMEN

**PART II: AAP FOR PROTECTED VETERANS
AND INDIVIDUALS WITH DISABILITIES**

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This AAP contains confidential information which is subject to the provisions of 18 U.S.C. 1905. Chrysler Corp. v. Brown, 441 U.S. 281, 19 FEP 475 (1979).

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SAN JOSÉ STATE UNIVERSITY wishes to make it clear that it does not consent to the release of any information whatsoever contained in this AAP under the Freedom of Information Act or otherwise. If the U.S. Government, or any agency or subdivision thereof, is considering breaching the conditions under which this AAP was loaned to such Government, or is considering a request for release of this AAP under the Freedom of Information Act, a request is hereby made that the Government immediately notify the President of SAN JOSÉ STATE UNIVERSITY of any and all Freedom of Information Act requests received by the Government or any other contemplated release of this AAP by the Government which relates to information obtained by the Government from the University. We further request that everyone who has any contact with this AAP or its supporting data treat such information as totally confidential and that such information not be released to any person whatsoever. Retention or disclosure of information relating to identifiable individuals may also violate the Privacy Act of 1974.

SAN JOSÉ STATE UNIVERSITY AAP

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INTRODUCTION TO PARTS I AND II

BACKGROUND

SAN JOSÉ STATE UNIVERSITY is a public university which provides undergraduate and graduate degree programs. The University was founded in 1857 in the State of California.

SAN JOSÉ STATE UNIVERSITY is a federal government supply and service contractor subject to the affirmative action requirements of Executive Order 11246, the Rehabilitation Act of 1973 as amended, and the Vietnam Veterans' Readjustment Assistance Act of 1974, Section 4212. Because SAN JOSÉ STATE UNIVERSITY has \$50,000 or more in annual contracts with the federal government and employs 50 or more employees, we are required to prepare annual written Affirmative Action Plans (AAPs) for minorities and women, for protected veterans, and for individuals with disabilities for our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the University from future contracts and subcontracts.

Affirmative action is a term that encompasses any measure adopted by an employer to correct or to compensate for past or present discrimination or to prevent discrimination from recurring in the future. Affirmative action goes beyond the simple termination of a discriminatory practice.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory affirmative action plan is the evaluation of opportunities for protected group members, as well as an identification and analysis of problem areas inherent in their employment. Also, where a statistical analysis reveals a numeric disparity between incumbency (and/or hiring rates for veterans) and availability, an adequate AAP details specific affirmative action steps to guarantee equal employment opportunity. These steps are key to the problems and needs of protected group members. For minorities and women, such steps include the development of hiring and promotion goals to rectify the disparity between incumbency and availability. For protected veterans and individuals with disabilities, such steps will include a thorough review of the University's outreach efforts to determine the effectiveness of such efforts in closing the hiring and/or utilization gaps. It is toward this end that the following AAP of SAN JOSÉ STATE UNIVERSITY was developed.

APPLICABLE AFFIRMATIVE ACTION LAWS AND REGULATIONS

SAN JOSÉ STATE UNIVERSITY's AAP for minorities and women (Part I) has been prepared according to Executive Order No. 11246, as amended, and Title 41, Code of Federal Regulations, Part 60-1 (Equal Employment Opportunity Duties of Government Contractors), Part 60-2 (Affirmative Action Programs of Government Non-Construction Contractors; also known as "Revised Order No. 4"), and Part 60-20 (Sex Discrimination Guidelines for Government Contractors).

SAN JOSÉ STATE UNIVERSITY has developed separately an affirmative action plan for protected veterans and individuals with disabilities (Part II) prepared in accordance with the Rehabilitation Act of 1973, Section 503, as amended and Title 41, Code of Federal Regulations,

Part 60-741(Affirmative Action Program for Individuals with Disabilities), the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 4212, as amended, and Title 41 Code of Federal Regulations, Part 60-300 (Affirmative Action Program for protected veterans).

The Jobs for Veterans Act (JFVA), Public Law 107-288, effective December 1, 2003, increased the threshold for coverage under 38 U.S.C. §4212 from \$25,000 to \$100,000; grants VEVRAA protection to those veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 Fed. Reg. 1209); changes the definition of “recently separated veteran” to include “any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty”; changes “Special Disabled Veterans” to “Disabled Veterans,” expanding the coverage to conform to 38 U.S.C. § 4211 (3); and, following publication of the final regulations, requires contractors to post job listings with their local employment service delivery system.

PROTECTED GROUPS

Coverage under affirmative action laws and regulations applies to:

Women and minorities who are recognized as belonging to or identifying with the following race or ethnic groups: Black/African American, Hispanic/Latino, Asian/Pacific Islander, and American Indian/Alaskan Natives.

Any veteran 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 Secretary of Veterans Affairs, or who was discharged or released from active duty because of a service-connected disability.

Recently separated veterans: any veteran currently within three-years of discharge or release from active duty.

Veterans who served on active duty in the U.S. military during a war or campaign or expedition for which a campaign badge is awarded.

Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

An individual with a disability: 1) a person who has a physical or mental impairment that substantially limits one or more of his/her major life activities; (2) has a record of such impairment, or (3) is regarded as having such an impairment.

PROGRAM TERMINOLOGY

The terms, "comparison of incumbency to availability," "deficiency," and "problem area," appearing in this AAP, are terms SAN JOSÉ STATE UNIVERSITY is required by Government regulations to use. The criteria used in relation to these terms are those specified by the Government. These terms have no independent legal or factual significance whatsoever. Although SAN JOSÉ STATE UNIVERSITY will use the terms in total good faith in connection with its AAP, such use does not necessarily signify that the University agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives.

The comparison of incumbency to availability contained herein is required by Government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with Government regulations, as interpreted by Government representatives. The use of certain geographic areas and sources of statistics does not indicate SAN JOSÉ STATE UNIVERSITY's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.

The grouping of job titles into a given job group does not suggest that SAN JOSÉ STATE UNIVERSITY believes the jobs so grouped are of comparable worth.

Whenever the term "goal" is used, it is expressly intended that it "should not be used to discriminate against any applicant or employee because of race, color, religion, gender, or national origin," as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e)(2).

This AAP is not intended to create any contractual or other rights in any person or entity.

RELIANCE ON EEOC'S GUIDELINES

Although SAN JOSÉ STATE UNIVERSITY does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this AAP in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

REPORTING PERIOD

This AAP contains information that covers the following dates and reporting period:

- Employee/Snapshot data: as of OCTOBER 31, 2023
- Transaction data: NOVEMBER 1, 2022 THROUGH OCTOBER 31, 2023
- AAP implementation period: NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2024

STATEMENT OF PURPOSE FOR PARTS I AND II

This AAP has been designed to bring women and men, members of minority groups, protected veterans, and individuals with disabilities into all levels and segments of SAN JOSÉ STATE UNIVERSITY's workforce in proportion to their representation in the qualified relevant labor market.

The AAP, therefore, is a detailed, results-oriented set of procedures which, when carried out, results in full compliance with equal employment opportunity requirements through the equal treatment of all people.

The manner in which this is to be accomplished becomes technical and somewhat complicated. There are several reasons for this. First, SAN JOSÉ STATE UNIVERSITY is subject to and must address a variety of State and Federal laws and guidelines dealing with equal employment opportunity and affirmative action. These guidelines and requirements are in themselves somewhat technical and complex. In addition, relevant court decisions, which are often useful in interpreting, but sometimes conflicting with these requirements and guidelines, must be taken into account when developing and implementing the AAP. Furthermore, in determining SAN JOSÉ STATE UNIVERSITY's current equal employment opportunity and affirmative action position and its desired future achievements, numbers, percentages, statistics, and numerous calculations and computations must come into play.

The technical, legal, and mathematical aspects of the AAP, however, all have one common purpose—to allow us to properly identify three key concepts:

1. Where we stand now,
2. Where we must go,
3. How best to get there.

These three concepts are the Affirmative Action Plan.

SAN JOSÉ STATE UNIVERSITY

PART I: AFFIRMATIVE ACTION PLAN FOR MINORITIES AND WOMEN

FOR

NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2024

PART I

AAP FOR MINORITIES AND WOMEN

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PART I: AAP FOR MINORITIES AND WOMEN

CHAPTER 1: ORGANIZATIONAL PROFILE

41 C.F.R. § 60-2.11

Workforce Analysis/Lines of Progression

SAN JOSÉ STATE UNIVERSITY conducted a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data was collected from payroll records dated 10/31/2023.

Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, SAN JOSÉ STATE UNIVERSITY identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native employees, Native Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups.

Lines of Progression

Developed in conjunction with the workforce analysis is information on SAN JOSÉ STATE UNIVERSITY's lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments which employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns will be evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

See the *Workforce Analysis/Lines of Progression* for the results per organizational unit.

CHAPTER 2: JOB GROUP ANALYSIS

41 C.F.R. § 60-2.12

Although the workforce analysis was conducted individually for every job title, after it was completed job titles were grouped for the comparison of incumbency to availability and for setting goals. There were several reasons for grouping jobs.

Many job titles are so similar in content that handling them individually in the AAP is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability. For many job titles, the availability data that can be collected is limited, and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical. Also, many job titles have so few incumbents in them that identifying disparities between incumbency and availability by job title is meaningless—as problem areas would be identified in terms of fractions of people. By grouping several similar titles and increasing the number of employees involved, a meaningful comparison can be conducted; any identified problem areas are more likely to be in terms of whole people. Consequently, goals established to correct problem areas are also more likely to be in terms of whole people.

The three reasons for grouping job titles all discuss "similar" or "related" jobs. That is the most critical guideline in creating job groups. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability and goal setting. Ideally, if a job group is identified as containing a problem area, it should be large enough that a goal of at least one whole person can be established. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage and the number of minorities or women already employed in the job group.

It may not be possible for a smaller contractor's job groups to meet the guideline of not crossing EEO categories. While there are usually two or more job groups within each EEO-1 or IPEDS category, for smaller contractors some or all of their job groups may correspond to EEO categories.

SAN JOSÉ STATE UNIVERSITY did not combine job titles with different content, wages, or opportunities if doing so would have obscured problem areas (e.g., job groups which combine jobs in which minorities or women are concentrated with jobs in which they are underrepresented).

CHAPTER 3: PLACEMENT OF INCUMBENTS IN JOB GROUPS
41 C.F.R. § 60-2.13

Each job group appears on a Job Group Report with a job group name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, job title, employee headcounts for each job title, and overall percentages by gender and race/ethnicity as of 10/31/2023.

See the *Job Group Analysis* for the listing of the job titles and the associated race and gender headcounts per job group.

CHAPTER 4: DETERMINING AVAILABILITY
41 C.F.R. § 60-2.14

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at SAN JOSÉ STATE UNIVERSITY for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and gender group could reasonably be expected to be represented in a job group if SAN JOSÉ STATE UNIVERSITY's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis), identify problem areas or areas of deficiency, and establish goals to correct the problems.

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2018 Census of Population.
 - A. Local labor area: An Employee Zip Code Analysis was used to identify the most precise local labor area for SAN JOSÉ STATE UNIVERSITY. The final local labor area met the following two (2) conditions: 1) it includes all counties/county sets where 5% or more of the employees/applicants resided, and 2) when summed, those counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%. Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.
 - B. Reasonable labor area: National

See the *Zip Code Analysis* report for the counties included in the local labor area.

Note: Zip code analysis results only apply to job groups where populated census data is available.

2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. See the *Internal Availability Analysis* for more detail.

Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights. Weights were never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each sex and race/ethnic group, as well as for minorities in the aggregate.¹

See the *Availability Analysis* for the availability breakdown for each job group.

¹ In most cases, the final availability report (and most other technical reports in this AAP) only includes data/information for females and minorities in the aggregate.

CHAPTER 5: COMPARING INCUMBENCY TO AVAILABILITY
41 C.F.R. § 60-2.15

Once final availability estimates were made for each job group, SAN JOSÉ STATE UNIVERSITY compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of 10/31/2022 and that group's final availability.

See the *Comparison of Incumbency to Availability* for the results per job group.

CHAPTER 6: PLACEMENT GOALS
41 C.F.R. § 60-2.16

SAN JOSÉ STATE UNIVERSITY has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. These goals take into account the availability of basically qualified persons in the relevant labor area. They also take into account anticipated employment opportunities within our organization. Goals are not rigid and inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire AAP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs (see Chapter 9). Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that SAN JOSÉ STATE UNIVERSITY hire a specified number of minorities or women.

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. By setting realistic goals, SAN JOSÉ STATE UNIVERSITY should be able to meet the goals, assuming we conduct effective recruitment and advertising efforts to ensure an adequate pool of qualified minority and/or female applicants.

See the *Placement Goals* report for each job group and the *Goals Progress Report* for progress made since the previous AAP.

CHAPTER 7: DESIGNATION OF RESPONSIBILITY
41 C.F.R. § 60-2.17(a)

As part of its efforts to ensure equal employment opportunity to all individuals, 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, the Senior Associate Vice President for University Personnel, the Senior Director for Employee Relations, Retention and Equal Opportunity, and those employed as supervisors and managers have undertaken the responsibilities described below.

President

The primary responsibility and accountability for implementing the AAP rests with the President. This person is responsible, through the Senior Associate Vice President for University Personnel and the Senior Director, Employee Relations, Retention and Equal Opportunity, for adherence to SAN JOSÉ STATE UNIVERSITY's policy of equal employment opportunity and affirmative action. This role includes, but is not limited to, the following duties:

1. Designate appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring SAN JOSÉ STATE UNIVERSITY's AAP. Ensure that these personnel are identified in writing by name and job title.
2. Ensure that those designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
3. Impart 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. Ensure that SAN JOSÉ STATE UNIVERSITY adheres to the stated policy of equal employment opportunity and monitors the application of equal employment opportunity policies.
2. Ensure that the AAP is reviewed and updated annually in accordance with SAN JOSÉ STATE UNIVERSITY's stated policy.

3. Participate in periodic discussions with management, supervision, and all other employed personnel to ensure AAP and equal employment opportunity policies are being followed.
4. Review the qualifications of all employees to ensure equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
5. Conduct periodic audits of: 1) training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives, 2) facilities to ensure they are maintained for the use and benefit of all employees and integrated both in policy and practice, and 3) sponsored educational, training, recreational, and social activities to ensure that all employees are encouraged to participate in accordance with policies on nondiscrimination.
6. Ensure that all new employees receive a special orientation to SAN JOSÉ STATE UNIVERSITY's equal employment opportunity policy and are thoroughly informed with regard to the AAP and its objectives.
7. Periodically analyze applicant flow to determine the mix of persons applying for employment by race/ethnic origin and gender.
8. Ensure that recruitment advertising is placed in minority and female-oriented publications, as applicable.
9. Review all job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensure that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.

Senior Director, Employee Relations, Retention and Equal Opportunity

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

1. Provide direction to SAN JOSÉ STATE UNIVERSITY's employees, as necessary, to carry out all actions required to meet the University's equal employment opportunity and affirmative action commitments.
2. Review, report on, and update SAN JOSÉ STATE UNIVERSITY's AAP at least on an annual basis in accordance with stated policy.
3. Responsible for the design and effective implementation of the AAP campus wide.

4. Develop, implement, and maintain audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
5. Advise management in the modification and development of SAN JOSÉ STATE UNIVERSITY's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines.
6. Conduct periodic audits to ensure all required posters and those advertising SAN JOSÉ STATE UNIVERSITY's equal employment opportunity policies and AAP are displayed and that SAN JOSÉ STATE UNIVERSITY's equal employment opportunity and AAP policies are being thoroughly communicated.
7. Assist in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.

Managers and Supervisors

In their direct day-to-day contact with SAN JOSÉ STATE UNIVERSITY's employees, managers and supervisors have assumed certain responsibilities to help the 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 adhere to SAN JOSÉ STATE UNIVERSITY's equal employment opportunity and affirmative action policy.
 - A. Support and assist 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.
 - B. Complete progress reports regarding the status of goal achievement.
 - C. Take action to prevent harassment of employees placed through affirmative action efforts.
2. Assign 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.
3. Consult with the Faculty Services and Recruiting and Retention units, of University Personnel to ensure that all interviews, offers of employment and/or wage commitments are consistent with SAN JOSÉ STATE UNIVERSITY'S policy.

4. Support employee progress and upward mobility through classification reviews and internal recruitments.
5. Assist in identifying problem areas and provide needed information for establishing and meeting department affirmative action goals and objectives.

CHAPTER 8: IDENTIFICATION OF PROBLEM AREAS
41 C.F.R. § 60-2.17(b)

Terminology

The phrases “comparison of incumbency to availability,” and “problem area” appearing in this chapter are terms SAN JOSÉ STATE UNIVERSITY is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although SAN JOSÉ STATE UNIVERSITY will use the terms in good faith in connection with its AAP, such use does not necessarily signify the University agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives. Whenever the term “goal” is used, it is expressly intended that it “should not be used to discriminate against any applicant or employee because of race, color, religion, gender, or national origin,” as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e).

In addition to comparing incumbency to availability within job groups, SAN JOSÉ STATE UNIVERSITY has conducted studies to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). SAN JOSÉ STATE UNIVERSITY will continue to monitor and update these studies during each AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs described in Chapter 9 of this AAP.

Goals are established within each of the job groups at no less than the current availability data for the job group.

41 C.F.R. § 60-2.17(b)(1): Workforce by Organizational Unit and Job Group

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of the *Workforce Analysis*.

An analysis of minority and female utilization within each job group was accomplished by a thorough investigation of the *Comparison of Incumbency to Availability* reports.

41 C.F.R. § 60-2.17(b)(2): Personnel Activity

Applicant flow, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between men/women and whites/minorities was accomplished by a thorough examination of transaction data. See the *Summary of Personnel Transactions Report* for each job group.

41 C.F.R. § 60-2.17(b)(3): Compensation Systems

Compensation analyses were conducted by comparing the salaries for men v. women, and whites v. minorities in each job group.

CHAPTER 9: ACTION-ORIENTED PROGRAMS
41 C.F.R. § 60-2.17(c)

SAN JOSÉ STATE UNIVERSITY tailors our action-oriented programs each year to ensure they are specific to the problem identified.

Action-Oriented Program:

The Action-Oriented Programs designed to address the underutilization of women and minorities are listed below. These Action-Oriented Programs will be carried-out throughout the AAP year. The Senior Associate Vice President for University Personnel, with the help of the managers, will be responsible in ensuring that the following are implemented.

Recruitment:

1. University Personnel will place all faculty, staff, and management job opportunity announcements on the local and systemwide University websites as well as the following sites to develop diverse candidate pools:
 - a. Cal JOBS
 - b. Careers in Government
 - c. Diversity Jobs
 - d. Government Jobs
 - e. Inside Higher Ed
 - f. Monster
 - g. Recruit Military
 - h. Northern California Higher Education Recruitment Consortium
 - i. The Chronicle of Higher Education
 - j. Various social media outlets (Instagram, Facebook, LinkedIn etc.)
2. University Personnel uses CHRS Recruiting (powered by PageUp) for staff, management and faculty recruitments which make its advertised positions available from any Internet accessible computer.
3. Advertisements and newsletters will always carry the Equal Employment Opportunity clause.
4. Minority and female applicants will be considered for all positions for which they are qualified.
5. University Personnel will participate in job fairs if there are sufficient numbers of openings to warrant participation quarterly.
6. University Personnel's Faculty Services Recruiting Unit, endeavors to diversify both the faculty and curriculum in order to enhance educational quality. In an effort to increase the diversity of applicants and candidates, search committees will make proactive efforts to expand the applicant pools from which SAN JOSÉ STATE UNIVERSITY hires.

7. Academic departments must submit an outreach and advertising plan for each position that documents the passive and active recruitment strategies to be used to create a diverse applicant pool.
8. Academic department recruitment committees must reflect diversity, and if it is lacking, tenured or probationary faculty members from related fields may serve as members to achieve appropriate diversity.

Position Descriptions/Selection Process:

1. Develop position descriptions that accurately reflect position functions and are consistent for the same position from one location to another.
2. Develop position descriptions that contain education, experience, and skill requirements that do not constitute inadvertent discrimination. Develop specifications that are free from bias with regard to age, race, color, religion, national origin, disability or veteran status.
3. Approved position descriptions will be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. University Personnel will continue to use only minimum qualifications that include job-related criteria.
5. University Personnel will continue to counsel all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate bias in all personnel actions. The committee members will participate in a bias training conducted by the Chief Diversity Officer or designee.
6. Faculty position descriptions should identify the essential qualifications for the position, making sure that the qualifications do not unintentionally discriminate against a group of deserving candidates. Additionally, desirable but not essential qualifications must be identified.
7. Announcements for faculty recruitment must be placed in applicable journals, print advertisements, discipline specific journals/newsletters, and websites ensuring that all of these sources will assist with finding a diverse group of candidates. The Faculty Recruitment Guide can be found here: <https://www.sjsu.edu/up/docs/faculty-recruitment-guide.pdf>. Section B.2 gives ways to ensure a diverse talent pool.

Job Advancement:

1. University Personnel will continue to place job opportunity announcements on the

University website.

2. All employees are actively encouraged to participate in usage of facilities and University-sponsored social and recreational activities.
3. SAN JOSÉ STATE UNIVERSITY will continue to use our formal employee evaluation program. The performance evaluation/review is used for annual reviews for all employees.
4. Employees can choose in-person or virtual training courses through CSULearn or LinkedIn Learning. In addition, employees can register for classes led by University Personnel, the Center for Faculty Development and eCampus. Employees can include any of these courses in their career development plan and performance evaluation.
5. The Fee Waiver Program allows eligible staff and faculty employees, including Teaching Associates, to attend California State University (CSU) courses at reduced rates. The program is designed to assist employees in improving current job skills or in preparing for a new career. Courses are taken for credit, and employees can take either two courses or six units (whichever is greater) per semester, depending on their job classification.
6. SAN JOSÉ STATE UNIVERSITY Associated Students operates a child development center for children aged six-months through six years. The Child Development Center is primarily for students of SAN JOSÉ STATE UNIVERSITY. Faculty and staff children will be admitted on a space available basis after student needs have been met. Children are admitted from the waiting list on a first come, first served basis for full fee parents. Low-income families are admitted with lowest income first priority.
7. SAN JOSÉ STATE UNIVERSITY Parking Services administers the pre-tax Commuter Benefits Program, which allows eligible SJSU employees to defer up to \$300 per month / \$3,600 per year tax-free for the purchase of transit passes. Associated Students' Transportation Solutions provides information and consulting for the Commuter Benefit Program. Once enrolled, deductions are taken from an employee's pay before Federal, State, Social Security, and Medicare taxes are calculated. Taxable income is reduced, thereby reducing the taxable income reflected on the annual W-2 statement.

CHAPTER 10: INTERNAL AUDIT AND REPORTING
41 C.F.R. § 60-2.17(d)

Inherent in the AAP is the need for periodic self-assessment of problems encountered, corrective action taken, and progress made. Self-evaluation requires complex record keeping systems on applicants, employees, and components of the AAP itself. Periodic reports from supervisors, department managers, the Senior Associate Vice President for University Personnel, and other relevant persons are required.

The objective of all record keeping systems to be implemented is to assess the results of past actions, trends, the appropriateness of goals and objectives, the appropriateness and relevancy of identified solutions to problems, and the adequacy of the Plan as a whole. In addition, a further objective is to identify the proper corrective actions to be made to all components.

In order to fully achieve the objectives of such a record keeping system, the results must lead to follow-up through feedback to managers, supervisors, and staff, through reallocation of resources, through modifications to plans and the record keeping system itself, through appropriate recognition of personal achievements as well as punitive actions for discriminatory acts. For any identified deficiencies, appropriate corrective action will be identified and implemented.

The records that are maintained are the basis for updating the affirmative action plan, including revising the availability data and establishing annual numerical goals. The internal audit and reporting system is used as the basis for evaluating systematic, results-oriented programs and affirmative action efforts.

The SAN JOSÉ STATE UNIVERSITY auditing and reporting system periodically measures the effectiveness of its total affirmative action program. The Senior Associate Vice President for University Personnel:

1. Monitors records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out;
2. Requires internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;
3. Reviews report results during recruitment process with hiring managers; and
4. Advises top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

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.



(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.

- 1) 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.
- 3) The University ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies.
- 4) 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.

Schedule for Review: 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.
- 7) 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.
- 6) 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.

President

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.
- 10) 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.
- 12) 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.
- 13) 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.
- 7) 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.
- 11) 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.

- 13) Keeping management informed of the latest developments in the equal employment opportunity area.
- 14) Reviewing, reporting on, and updating the AAP annually in accordance with stated policy. Informing employees and applicants of significant changes.
- 15) 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.
- 16) 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.
- 5) 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.