

**Affirmative Action Program for  
Minorities and Women**

**University of Denver**

**Denver, CO**

**Affirmative Action Plan  
for  
Minorities and Women**

**November 1, 2019 through October 31, 2020  
Plan Year**

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FOR  
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## **Introduction**

University of Denver (DU) has prepared this Affirmative Action Plan (AAP) for the period of November 1, 2019 through October 31, 2020, reaffirming its commitment to the spirit and letter of affirmative action law, including those administered by the U. S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). Through the implementation of this AAP DU continues its efforts to comply with appropriate government regulations and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this AAP DU recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

## **Reaffirming Commitment to Equal Employment Opportunity**

In setting forth this AAP DU reaffirms its belief in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment.

Jeremy Haefner, Chancellor of DU, designated Rufina A. Hernández, Esq. as the Equal Employment Opportunity Administrator (EEO Administrator). Rufina A. Hernández, Esq. oversees the AAP development, modification, implementation, and reporting requirements and conducts management updates. The EEO Administrator also analyzes DU's selection process in order to further the principles of equal employment opportunity.

As part of DU's commitment to this overall process, it will seek to ensure affirmative action to provide equality of opportunity in all aspects of employment, and that all personnel activities, such as the recruitment, selection, training, compensation, benefits, discipline, promotion, transfer, layoff and termination processes remain free of illegal discrimination and harassment based upon race, color, religion, sex and national origin. Regular review by DU, as described in this AAP, helps to ensure compliance with this policy.

## **Internal Dissemination of EEO Policy**

### **41 C.F.R. § 60-1.42**

DU posts copies of the equal employment opportunity notices that comply with 41 C.F.R. § 60-1.42(a) in conspicuous places (including, where applicable, electronic websites) available to employees, applicants for employment, and (if applicable) representatives of each labor union or other organization representing its employees with which DU has a collective-bargaining agreement or other contract or understanding. The following exemplify the methods and locations DU may use in its ongoing efforts to ensure continuing dissemination of its policy and AAP, although DU may not always use each or any of the below methods, and it may use other methods not listed below:

1. Internal employee manuals contain the policy statement.
2. The policy statement is posted on bulletin boards accessible to employees.
3. Publicizes the policy in DU's newspaper, magazine, annual report and other media;
4. Orientation meetings for new employees and in-house employment-related training include references to DU's policy.
5. DU publications, if any, including those with photographs, generally feature individuals of diverse gender, race, color, sexual orientation, gender identity, and national origin, where feasible.
6. Pertinent portions of DU's Affirmative Action Plan are available during regular business hours for inspection by employees and applicants for employment.

## **External Dissemination of EEO Policy**

### **41 C.F.R. § 60-1.41; 41 C.F.R. § 60-1.5**

1. In solicitations or advertisements for employees placed by or on its behalf, DU complies with at least one of the following methods regarding the dissemination of its equal employment opportunity clause:
  - a. DU states expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin. 41 C.F.R. § 60-1.41(a).
  - b. DU uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, sexual orientation, or national origin. 41 C.F.R. § 1.41(c).

- c. DU uses a single advertisement in which appears in clearly-distinguishable type the phrase “an equal employment opportunity employer.” 41 C.F.R. § 1.41(d). When pictures are included in these media, where feasible, efforts will be made to include pictures of individuals of diverse gender, race, sexual orientation, gender identity, and national origin.
- 2. The following exemplify the methods and locations DU may use in its ongoing efforts to ensure continuing dissemination of its policy and AAP, although DU may not always use all of the below methods, and it may use other methods not listed below:
  - a. DU notifies subcontractors, suppliers and vendors of the policy about both its obligations to equal employment opportunity and about DU’s AAP.
  - b. DU advises recruitment sources, minority and female organizations, community agencies, leaders, secondary schools and colleges annually in writing of its commitment to this policy and AAP. DU informs these sources that job applicants will be treated fairly without regard to their race, color, religion, sex, sexual orientation, gender identity, and national origin.
  - c. DU communicates with the state employment security office in writing regarding the policy.
  - d. DU advises prospective employees of the existence of the AAP and makes pertinent portions of it available upon request, during regular business hours.
- 3. In addition, DU incorporates by reference the equal employment opportunity and affirmative action clauses into each of its covered Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes and such other contracts and subcontracts as required by law, purchase orders, lease agreements, Government contracts, and other covered contracts (and modifications thereof if not included in the original contract) in accordance with 41. C.F.R. § 60-1.4 (a) – (c) (unless exempted under 41 C.F.R. § 60-1.5).

## **Establishment of Responsibility for Implementation of the AAP**

### **41 C.F.R. § 60-2.17(a)**

#### **A. Identification and Responsibilities of EEO/AA Administrator**

Overall responsibility for DU's AAP rests with the EEO Administrator, Rufina A. Hernández, Esq.. Rufina A. Hernández, Esq. ensures that the AAP complies with all applicable laws, orders and regulations, including but not limited to, Executive Order 11246 and its progeny. Specifically, Rufina A. Hernández, Esq. or the designated representative's duties include:

1. Developing, maintaining and, where appropriate, modifying DU's AAP to ensure compliance with the EEO/AA law.
2. Developing and, where appropriate, modifying procedures for effectively communicating the AAP and its elements both internally and externally.
3. Advising management on EEO/AA progress, reporting potential EEO/AA problem areas, and assisting management in finding equitable solutions, where feasible, to any identifiable EEO/AA problem areas.
4. Evaluating the effectiveness of DU's AAP on a regular basis, and reporting to management.
5. Designing, implementing, and overseeing audit and reporting systems that periodically measures the effectiveness of the total affirmative action program. 41 C.F.R. § 60- 2.17 (d) (1)-(4), identifying need for remedial action, and determining the degree to which objectives have been achieved.
6. Acting as University representative and liaison with any government agencies regarding this AAP.
7. Monitoring University policies and procedures with regard to terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
8. Auditing the content of DU's bulletin board and electronic policies, as appropriate, to ensure compliance information is posted and up to date.
9. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
10. Serving as a liaison between DU and organizations, such as minority organizations and women's organizations.
11. When necessary, developing sales and management training programs to increase protected-group participation.
12. Assisting in the investigation, handling and disposition of employee harassment and discrimination complaints.

13. Discussing EEO/AA policies with all personnel, including management, to ensure that DU's policies and the need for their support are understood at all levels.
14. Reviewing DU's AAP for qualified women and minorities with all managers and supervisors to ensure the policy is understood and followed in all personnel actions.
15. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, comparable facilities for both sexes, and opportunity for participation in University-sponsored recreational, educational and social activities.
16. Auditing training programs, hiring, and promotion patterns.

## **B. Management Responsibilities**

Line and upper management share responsibility for the AAP, including but not limited to the following:

1. Assisting in auditing AAP progress, including identifying problem areas, formulating solutions, establishing appropriate goals, and developing necessary training programs.
2. Reviewing the qualifications of applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner in hiring, promotion, transfers, and termination actions.
3. Making available career counseling, when appropriate.
4. Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee and his or her duties.
5. Reviewing position descriptions of the jobs in the manager's area or department to see that they adequately reflect the job to be performed.
6. Assisting subordinates and upper management in the prevention of harassment.

## **Identification of Areas for Discussion**

### **41 C.F.R. § 60-2.17(b)**

DU's commitment to fully implement this policy and AAP include periodic reviews of mission critical workforce factors in a number of ways, including performing an in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunity exist. These analyses include:

1. The workforce by organizational unit and job group of minority or female utilization and distribution;
2. Personnel activity to determine whether there are selection disparities;
3. Compensation systems to determine if there are gender-, race-, or ethnicity-based disparities;
4. Selection, recruitment, referral, and other personnel procedures to determine whether they result in employment or placement disparities of minorities or women; and,
5. Any other areas that might impact the success of the affirmative action program. 41 C.F.R. § 2.17 (b)(1)-(5), including, for example, DU's review of:
  - a. The workforce composition by race and sex to compare it to the availability of these groups;
  - b. DU's applicant flow compared to the availability for the protected groups;
  - c. A comparison of hires to applicants pertaining to minorities and women;
  - d. Compensation system(s) to determine whether there are gender-, race-, or ethnicity-based disparities;
  - e. Selection forms, such as applications for employment, to ensure they comply with federal and state employment laws;
  - f. Processes to ensure there are no artificially-created barriers or restrictive seniority provisions; and,
  - g. Training opportunities to ensure they are available to minorities and women.

Identification of problem areas are discussed in the next section titled Narrative Discussion of Goals.

## **Narrative Discussion of Goals**

The University of Denver plan has 4071 employees, including 850 minorities and 2332 females. The following goals exist for minorities and/or women:

- 1 - Executives - This group consists of 33 employees, of whom 6 are minorities and 15 are females. There is no need to set a placement goal at this time for minorities or females.
- 1A - Sr Management - This group consists of 62 employees, of whom 9 are minorities and 34 are females. There is no need to set a placement goal at this time for minorities or females.
- 1B - Executive Directors - This group consists of 38 employees, of whom 10 are minorities and 24 are females. There is no need to set a placement goal at this time for minorities or females.
- 1C - Directors - This group consists of 179 employees, of whom 38 are minorities and 118 are females. There is no need to set a placement goal at this time for minorities or females.
- 1D - Assist/Assoc Directors - This group consists of 107 employees, of whom 29 are minorities and 86 are females. There is no need to set a placement goal at this time for minorities or females.
- 1E - Managers - This group consists of 152 employees, of whom 25 are minorities and 107 are females. There is no need to set a placement goal at this time for minorities or females.
- 2A - Professors - This group consists of 1 employee, of whom none are minorities and none are females. There is no need to set a placement goal at this time for minorities or females.
- 2A1 - Profess- Business - This group consists of 27 employees, of whom 2 are minorities and 4 are females. There is a goal of 69% for minorities and a goal of 41% for females.
- 2A2 - Profess- Soc Sci - This group consists of 39 employees, of whom 6 are minorities and 17 are females. There is a goal of 48% for minorities, but there is no need to set a placement goal at this time for females.
- 2A3 - Profess- Col/Edu - This group consists of 15 employees, of whom 4 are minorities and 8 are females. There is no need to set a placement goal at this time for minorities or females.
- 2A4 - Profess- Engl/Arts/Hum - This group consists of 51 employees, of whom 4 are minorities and 21 are females. There is a goal of 38% for minorities, but there is no need to set a placement goal at this time for females.
- 2A5 - Profess- Math/Sci/Engin - This group consists of 42 employees, of whom 6 are minorities and 5 are females. There is a goal of 54% for minorities and a goal of 33% for females.
- 2A6 - Profess- Law - This group consists of 40 employees, of whom 7 are minorities and 19 are females. There is no need to set a placement goal at this time for minorities or females.

- 2B - Teaching Prof - This group consists of 36 employees, of whom 5 are minorities and 22 are females. There is no need to set a placement goal at this time for minorities or females.
- 2C - Assoc Professors - This group consists of 12 employees, of whom 2 are minorities and 3 are females. There is a goal of 55% for minorities, but there is no need to set a placement goal at this time for females.
- 2C1 - Assoc Prof- Business - This group consists of 33 employees, of whom 9 are minorities and 14 are females. There is a goal of 69% for minorities, but there is no need to set a placement goal at this time for females.
- 2C2 - Assoc Prof- Soc Sci - This group consists of 25 employees, of whom 5 are minorities and 21 are females. There is a goal of 48% for minorities, but there is no need to set a placement goal at this time for females.
- 2C3 - Assoc Prof- Col/Edu - This group consists of 7 employees, of whom 3 are minorities and 5 are females. There is no need to set a placement goal at this time for minorities or females.
- 2C4 - Assoc Prof- Engl/Arts/Hum - This group consists of 77 employees, of whom 11 are minorities and 43 are females. There is a goal of 38% for minorities, but there is no need to set a placement goal at this time for females.
- 2C5 - Assoc Prof- Math/Sci/Engin - This group consists of 38 employees, of whom 6 are minorities and 9 are females. There is a goal of 54% for minorities, but there is no need to set a placement goal at this time for females.
- 2C6 - Assoc Prof- Law - This group consists of 22 employees, of whom 8 are minorities and 13 are females. There is no need to set a placement goal at this time for minorities or females.
- 2D - Assist Professors - This group consists of 6 employees, of whom 1 is a minority and 4 are females. There is no need to set a placement goal at this time for minorities or females.
- 2D1 - Assist Prof- Business - This group consists of 24 employees, of whom 3 are minorities and 8 are females. There is a goal of 69% for minorities, but there is no need to set a placement goal at this time for females.
- 2D2 - Assist Prof- Soc Sci - This group consists of 14 employees, of whom 5 are minorities and 11 are females. There is no need to set a placement goal at this time for minorities or females.
- 2D3 - Assist Prof- Col/Edu - This group consists of 32 employees, of whom 10 are minorities and 26 are females. There is no need to set a placement goal at this time for minorities or females.
- 2D4 - Assist Prof- Engl/Arts/Hum - This group consists of 59 employees, of whom 17 are minorities and 31 are females. There is no need to set a placement goal at this time for minorities or females.
- 2D5 - Assist Prof- Math/Sci/Engin - This group consists of 23 employees, of whom 7 are minorities and 6 are females. There is a goal of 54% for minorities, but there is no need to set a placement goal at this time for females.

- 2D6 - Assist Prof- Law - This group consists of 8 employees, of whom 1 is a minority and 4 are females. There is no need to set a placement goal at this time for minorities or females.
- 2E - Clinical Professors - This group consists of 44 employees, of whom 12 are minorities and 31 are females. There is a goal of 48% for minorities, but there is no need to set a placement goal at this time for females.
- 2F - Teaching Assoc Prof - This group consists of 48 employees, of whom 9 are minorities and 26 are females. There is no need to set a placement goal at this time for minorities or females.
- 2G - Teaching Asst Prof - This group consists of 94 employees, of whom 23 are minorities and 51 are females. There is no need to set a placement goal at this time for minorities or females.
- 2H - Adjunct Professors - This group consists of 233 employees, of whom 24 are minorities and 108 are females. There is a goal of 18% for minorities, but there is no need to set a placement goal at this time for females.
- 2H1 - Adj Prof- Business - This group consists of 74 employees, of whom 8 are minorities and 20 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 48% for females.
- 2H2 - Adj Prof- Soc Sci - This group consists of 294 employees, of whom 39 are minorities and 222 are females. There is a goal of 18% for minorities, but there is no need to set a placement goal at this time for females.
- 2H3 - Adj Prof- Col/Edu - This group consists of 57 employees, of whom 8 are minorities and 39 are females. There is no need to set a placement goal at this time for minorities or females.
- 2H4 - Adj Prof- Engl/Arts/Hum - This group consists of 2 employees, of whom none are minorities and none are females. There is no need to set a placement goal at this time for minorities or females.
- 2H5 - Adj Prof- Math/Sci/Engin - This group consists of 23 employees, of whom 5 are minorities and 4 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 48% for females.
- 2H6 - Adj Prof- Law - This group consists of 63 employees, of whom 10 are minorities and 19 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 48% for females.
- 2I - Research Professionals - This group consists of 48 employees, of whom 13 are minorities and 29 are females. There is no need to set a placement goal at this time for minorities or females.
- 2J - Prof Departmental Dir - This group consists of 48 employees, of whom 12 are minorities and 37 are females. There is no need to set a placement goal at this time for minorities or females.
- 2K - Prof Asst/Assoc Dir - This group consists of 71 employees, of whom 19 are minorities and 44 are females. There is no need to set a placement goal at this time for minorities or females.
- 2L - Library Professionals - This group consists of 43 employees, of whom 12 are minorities and 35 are females. There is no need to set a placement goal at this time for minorities or females.

- 2M - Sr Information Technology - This group consists of 19 employees, of whom 5 are minorities and 4 are females. There is no need to set a placement goal at this time for minorities or females.
- 2N - Information Technology - This group consists of 74 employees, of whom 23 are minorities and 20 are females. There is no need to set a placement goal at this time for minorities or females.
- 2O - Athletics Professionals - This group consists of 61 employees, of whom 6 are minorities and 18 are females. There is a goal of 22% for minorities, but there is no need to set a placement goal at this time for females.
- 2P - Professionals - This group consists of 278 employees, of whom 57 are minorities and 186 are females. There is no need to set a placement goal at this time for minorities or females.
- 2Q - Counselors/Advisors - This group consists of 45 employees, of whom 12 are minorities and 31 are females. There is no need to set a placement goal at this time for minorities or females.
- 2R - Teachers - This group consists of 34 employees, of whom 3 are minorities and 30 are females. There is no need to set a placement goal at this time for minorities or females.
- 2S - Assoc/Subst Teachers - This group consists of 32 employees, of whom 7 are minorities and 30 are females. There is no need to set a placement goal at this time for minorities or females.
- 2T - Temp Hourly Educational - This group consists of 25 employees, of whom 5 are minorities and 13 are females. There is no need to set a placement goal at this time for minorities or females.
- 2U - Temp Hourly Professionals - This group consists of 157 employees, of whom 21 are minorities and 78 are females. There is a goal of 22% for minorities, but there is no need to set a placement goal at this time for females.
- 3A - Technicians - This group consists of 3 employees, of whom none are minorities and none are females. There is no need to set a placement goal at this time for minorities or females.
- 5 - Admin Mgrs/Sr Admin - This group consists of 9 employees, of whom 5 are minorities and 7 are females. There is no need to set a placement goal at this time for minorities or females.
- 5A - Exec/Admin Asst - This group consists of 29 employees, of whom 4 are minorities and 27 are females. There is no need to set a placement goal at this time for minorities or females.
- 5C - Admin Support - This group consists of 222 employees, of whom 62 are minorities and 171 are females. There is no need to set a placement goal at this time for minorities or females.
- 5D - Research Assistants - This group consists of 23 employees, of whom 9 are minorities and 20 are females. There is no need to set a placement goal at this time for minorities or females.
- 5E - Temp Hourly Admin Support - This group consists of 168 employees, of whom 30 are minorities and 109 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 76% for females.

- 6 - Foreman - This group consists of 9 employees, of whom none are minorities and none are females. There is no need to set a placement goal at this time for minorities or females.
- 6A - Craft Workers - This group consists of 46 employees, of whom 10 are minorities and 1 is a female. There is no need to set a placement goal at this time for minorities or females.
- 9 - Service Foreman/Leads - This group consists of 7 employees, of whom 2 are minorities and 1 is a female. There is no need to set a placement goal at this time for minorities or females.
- 9A - Campus Safety - This group consists of 31 employees, of whom 7 are minorities and 5 are females. There is no need to set a placement goal at this time for minorities, but there is a goal of 34% for females.
- 9B - Maintenance Workers - This group consists of 15 employees, of whom 4 are minorities and none are females. There is no need to set a placement goal at this time for minorities or females.
- 9C - Custodial - This group consists of 133 employees, of whom 110 are minorities and 100 are females. There is no need to set a placement goal at this time for minorities or females.
- 9D - Other Service Workers - This group consists of 17 employees, of whom 7 are minorities and 6 are females. There is no need to set a placement goal at this time for minorities or females.
- 9E - Temp Hourly Other Service Work - This group consists of 30 employees, of whom 6 are minorities and 9 are females. There is no need to set a placement goal at this time for minorities or females.
- 9F - Temp Hourly Rec Coach - This group consists of 84 employees, of whom 5 are minorities and 29 are females. There is a goal of 18% for minorities and a goal of 69% for females.
- 9G - Temp Hourly Rec Instructors - This group consists of 58 employees, of whom 7 are minorities and 53 are females. There is no need to set a placement goal at this time for minorities or females.
- 9H - Temp Hourly Rec Serv Workers - This group consists of 118 employees, of whom 10 are minorities and 41 are females. There is a goal of 24% for minorities and a goal of 47% for females.

DU will use alternate recruitment sources when necessary to attract more qualified external applicants. In those instances where statistical adverse impact is indicated, DU will take action as outlined in the Action-Oriented Programs Section to monitor and eliminate any problem areas, as well as other similar actions.

## **Development & Execution of Action-Oriented Programs**

### **41 C.F.R. § 60-2.17(c)**

DU has instituted action-oriented programs designed to eliminate any problem areas, should they exist, in accordance with § 60-2.17(b), and to help achieve specific affirmative action goals. DU also makes a good-faith effort to remove identified barriers, expand employment opportunities, and produce measurable results. These programs may include items such as:

1. Conducting periodic reviews of job descriptions attempting to ensure they accurately reflect job-related duties and responsibilities.
2. Annually reviewing job qualifications by department and job title for job-relatedness, and using job performance criteria.
3. Making job descriptions and qualifications available to recruiting sources and to all members of management involved in the recruiting, screening, selection, and promotion processes.
4. Making good-faith efforts to select the most qualified candidates. DU recognizes the duty, should the need arise, to make good faith efforts to remedy any statistically significant underutilization of minorities and women. Accordingly, DU commits to evaluating the total selection process to ensure decisions are made in a nondiscriminatory manner through:
  - a. Reviewing the job applications and other pre-employment forms to ensure information requested is job-related;
  - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
  - c. Providing assistance, such as training and guidance on proper interviewing techniques and EEO training, to employees, management, and supervisory staff, including, but not limited to, those who are involved in the recruitment, selection, discipline and other related processes, so that personnel actions remain neutral to race, color, religion, sex, sexual orientation, gender identity, and national origin; and
  - d. Reviewing selection techniques and employment standards.
5. DU employs appropriate methods to attempt to improve recruitment and increase the flow of qualified minorities and women applicants in its recruiting process, including a number of the following actions:
  - a. Including the phrase, "Equal Opportunity/Affirmative Action Employer" in printed employment advertisements;
  - b. Placing help-wanted advertisements, when appropriate, in local minority news media and women's interest media;

- c. Disseminating information on job opportunities to organizations representing minorities, women, and employment development agencies when job opportunities occur;
  - d. Encouraging all employees to refer qualified applicants;
  - e. Actively recruiting in secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments where underutilization exists in such areas, and
  - f. Requesting employment agencies to refer qualified minorities and women.
  - g. DU considers using special employment programs designed to deal with underutilization. Business conditions and other feasibility matters remain the key factor in any decision to develop/implement such programs.
  - h. Whenever feasible and appropriate, DU participates in job fairs, career days, youth-motivation programs and other programs that foster exposure for qualified minorities and women.
  - i. DU encourages minorities and women to participate in University-sponsored activities and programs.
  - j. DU utilizes various community organizations and schools as referral sources.
6. DU reviews promotion criteria and procedures so that job qualifications form the basis for the promotional decisions without regard to race, color, sex, religion, sexual orientation, gender identity, or national origin. DU monitors promotion rates for minorities and women and, when necessary, may employ one or more of the following procedures:
- a. Maintaining an inventory of current minority and women employees to determine special job-related talents, skills and experience.
  - b. Providing job training, job-related courses or certificate programs.
  - c. Reviewing work specifications and job qualifications to ensure job-relatedness.
  - d. Reviewing promotion decisions for possible impact on women or minorities.
  - e. Conducting career counseling, where appropriate, during performance evaluations.
  - f. Informing employees about educational programs and other opportunities available to improve their employment prospects.
  - g. Reviewing seniority practices for possible impact on women and minorities.
  - h. Reviewing University-sponsored social and recreational activities to ensure non-discriminatory participation and availability.

- i. Ensuring that all employees are given equal opportunity for promotion. This is achieved by:
  1. Generally posting or otherwise announcing most promotional opportunities.
  2. Offering counseling to assist employees in identifying promotional opportunities, training and educational programs to enhance promotions and opportunities for job rotation or transfer; and
  3. Evaluating job requirements for promotion.

## **Internal Audit and Reporting System**

### **41 C.F.R. § 60-2.17(d)**

1. Rufina A. Hernández, Esq., DU's EEO/AA Administrator, maintains an internal audit system to attempt to oversee DU's Affirmative Action Plan and assess progress. The EEO Administrator is responsible for ensuring that the formal AAP documents are developed and prepared and for the effective AAP implementation; however, responsibility is likewise vested with each department manager and supervisor, depending upon the specific responsibility. The audit system is designed and implemented to measure the effectiveness of the total affirmative action program [41 C.F.R. § 2.17 (d)(1)-(4)], including:
  - a. Monitoring records of all personnel activity, including: referrals, placements, transfers, promotions, terminations, and compensation, at all levels, to ensure the nondiscriminatory policy is carried out,
  - b. Requiring internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained,
  - c. Reviewing reports at all levels of management; and
  - d. Advising top management of the program's effectiveness and submitting recommendations to improve unsatisfactory performance. 41 C.F.R. § 2.17 (d)(1)-(4).
2. DU reviews various employment decisions, such as job referrals, hiring decisions, transfers, promotions, and terminations. DU maintains summary data where necessary and feasible, and conducts regular reviews at least annually.
3. There is no "de facto" (in practice without being officially established) segregation. Further, DU ensures that facilities, as broadly defined in 41 C.F.R. § 60-1.8, provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result, provided that separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to ensure privacy between the sexes.

4. DU complies with required records retention provisions set forth in 41 C.F.R. §60-1.12 and elsewhere in the applicable OFCCP regulations, and maintains a) employment applications (generally for two years); b) summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants, where necessary and feasible, and conducts regular reviews at least annually; c) applicant flow showing the name, race, sex, date of application, job title, interview status, and the action taken for all individuals applying for job opportunities, and the relevant applicant/hire decisions; d) summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification; e) and records pertaining to its compensation system.
5. Provide needed reports to managers and supervisors regarding the results of the audit as well as DU's overall progress in the area of EEO/AA. Any recommended actions should be made as well. Reports shall be made to senior management on at least an annual basis.

## **Guidelines for Prevention of Sex Discrimination**

### **41 C.F.R. § 60-20.1 et seq.**

DU supports the promotion and ensuring of equal employment opportunity of its employees and applicants without regard to sex, and endorses and complies with the following policy statements.

1. DU employment advertisements do not express a sex preference nor does DU place advertisements in columns designated "males" or "females", unless sex is a bona fide occupation obligation. 41 C.F.R. §60-20.2(a).
2. Employees of both sexes at DU shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupation obligation. 41 C.F.R. §60-20.2.
3. DU maintains gender-neutral personnel policies that expressly indicate that there shall be no gender discrimination against employees. The terms and conditions of any written collective bargaining agreements shall not be inconsistent with these guidelines. 41 C.F.R. §60-20.3(a).
4. DU makes no distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. 41 C.F.R. §60-20.3(c).
5. DU will not make any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex, or deny employment to women with young children unless it has the same exclusionary policies for men, or terminate the employment of an employee of one sex in a job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex. 41 C.F.R. § 60.20.3(d).
6. DU has policies and practices to ensure appropriate physical facilities to both sexes. 41 C.F.R. § 60-20.3(e).
7. DU will not deny a female employee the right to any job she is qualified to perform in reliance on a State "protective" law regarding, for example, prohibiting women from performing work

such as a bartender, or for working at jobs requiring more than a certain number of hours or lifting above a certain weight. 41 C.F.R. § 60-20.3(f).

8. DU endorses and complies with the 1978 Pregnancy Discrimination Act, as it amended Title VII of the Civil Rights Act of 1964. DU applies any leave of absence policy uniformly, regardless of sex. 41 C.F.R. § 60-20.3(g).
9. DU must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age. 41 C.F.R. § 60-20.3(h).
10. DU's seniority lines and lists must not be based on sex. 41 C.F.R. § 60-20.4.
11. DU's wage schedules are not related to or based on the sex of an employee. 41 C.F.R. § 60-20.5(a). Further, DU does not discriminatorily restrict one sex to certain job classifications, and instead must take steps to make jobs available to all qualified employees in all classifications without regard to sex. 41 C.F.R. § 60-20.5(b).
12. When appropriate, DU makes affirmative efforts to increase the number and percentage of women in the workforce, including, but not limited to the following:
  - a. DU recruits women and encourages existing women employees to apply for positions historically labeled by society as "traditionally male".
  - b. DU guarantees equal, gender-neutral access to training and tuition reimbursement programs, including management training, and other types of workplace training programs.
  - c. DU informs management of its affirmative action responsibilities. 41 C.F.R. § 60-20.6.

## **Policy with Respect to Religion/National Origin**

### **41 C.F.R. § 60-50.1 et seq.**

Pursuant to the guidelines prohibiting discrimination on the basis of religion or national origin, 41 C.F.R. § 60-50.1, et seq., DU hereby reaffirms that it does not discriminate against employees, or applicants for employment, because of religion or national origin. DU takes affirmative action to seek to ensure that employees or applicants for employment are treated without regard to their religion or national origin in all aspects of the terms and conditions of employment, such as upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay (or other forms of compensation), and selection for training.

DU has reviewed its employment practices and determined that its employees, including those who belong to religious or ethnic groups, have received fair consideration for job opportunities. Based upon its review, and depending upon the circumstances, DU will undertake appropriate actions, which may include one or more of the following activities:

1. Issuing a policy directive to employees reaffirming the DU's obligation to provide equal employment opportunity without regard to religion or national origin. This policy will be communicated in such a manner as to foster understanding, acceptance, and support among executives, managers, supervisors, and other employees, and to encourage such persons to take the necessary action to aid DU in meeting its obligations.
2. Developing internal procedures to seek to ensure that DU's obligation to provide equal employment opportunity, without regard to religion or national origin, is being fully implemented. Specifically, employment activities are reviewed by the EEO Administrator.
3. Informing management annually of its commitment to equal employment opportunity, without regard to religion or national origin.
4. Enlisting the assistance and support of recruitment sources for this commitment.

DU acknowledges its responsibility to make reasonable accommodations for the religious observances and practices of its existing or prospective employees under the terms of Title VII of the Civil Rights Act of 1964. An accommodation for religious purposes will be denied should DU determine that it would have to suffer undue hardship. During this accommodation evaluation, the following factors will continue to be considered by DU:

1. Business necessity;
2. Financial costs and expenses; and
3. Resulting personnel problems.

## **Organizational Profile**

Contractors and subcontractors are required to include in their AAPs an organizational profile of their workforce using either a “workforce analysis” or “organizational display” that provides detailed data reflecting staffing patterns within the establishment. 41 C.F.R. § 60-2.11. An organizational profile shows the staffing pattern within a contractor’s establishment. This profile assists an employer in identifying where, in the workforce of its site which is the subject of this AAP, women or minorities are underrepresented or concentrated. A workforce analysis is used in this AAP, which lists each job title from the lowest paid to the highest paid within each department or similar organizational unit.

## **Job Group Analysis**

Contractors and subcontractors are required to include in their AAPs a “job group analysis” by combining jobs at the establishment with similar content, wage rates, and opportunities to form job groups. 41 C.F.R. § 60-2.12. The job group analysis is a contractor’s first comparison of the representation of minorities and women in its workforce with the estimated availability of minorities and women to be employed. The job group is created by first sorting the various jobs at the establishment into job groups, which is a collection of jobs in an organization with similar job content (field of work and/or skill level), similar promotional opportunities, and similar compensation. The job groups then are developed to fit the unique characteristics of each organizational unit, taking into account the size, type, and complexity of the work performed. Contractors, after combining the job titles for the job group analysis, must then separately provide the percentage of minorities and the percentage of women they employ in each job group.

## **Availability Analysis**

Contractors and covered Federal subcontractors, after aggregating individual jobs into job groups, are then required to determine the availability of women and minorities for those job groups. 41 C.F.R. § 60-2.14. “Availability” is a percentage estimate of the women and minorities who have the skills required to perform the jobs within the job groups. To determine the availability percentages, contractors are required to consider two factors: 1) factors reflecting the availability outside the contractor’s workforce (such as people in the immediate labor area or reasonable recruitment area); and, 2) factors affecting the availability inside the contractor’s own workforce (such as people who are qualified and available by transfer, promotion, or training). Contractors typically rely on the most current U.S. Census data to develop their external availability factors, and on their own workforce numbers to develop their internal availability factors. Both external and internal factors must be considered, but contractors may “weight” each of the two factors according to each factor’s relevance to the job group in question. Such weighting is included in the following availability statistics for each job group.

After a contractor has formulated job groups and determined the minority and female availability percentages for each job group, it must then compare the actual utilization of minorities and women in each job group with their estimated availability, and identify those job groups where the percentage of women and/or minorities employed is less than would reasonably be expected given their availability. 41 C.F.R. § 60-2.15.

## **Disparity Analysis**

Contractors and subcontractors are required to include personnel activity (applicant flow, hires, terminations, promotions, and any other personnel actions) to determine whether there are selection disparities. 41 C.F.R. § 60-2.17 (b) (2).

The Disparity Analysis is a tool to measure the statistical relationship between two selected groups. The following report identifies whether the rates of those hired, promoted, or terminated are similar without regard to race or gender.

**Affirmative Action Program for  
Protected Veterans**

**University of Denver**

**Denver, CO**

**Affirmative Action Program  
For Protected Veterans**

**November 1, 2019 through October 31, 2020  
Plan Year**

## **CONFIDENTIAL, TRADE SECRET, AND PRIVATE MATERIAL**

This Affirmative Action Plan contains confidential, trade secret, commercial, and private information of DU which is protected from disclosure by the Office of Federal Contract Compliance Programs pursuant to the Trade Secrets Act, 18 U.S.C. § 1905. The release of this information could cause substantial harm to DU or its employees within the meaning of the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 (b)(3), (4), (6) and (7) and the Trade Secrets Act. FOIA protects information in this document from mandatory disclosure to FOIA requestors. See, e.g., *Chrysler v. Brown*, 441 U.S. 281 (1979). Furthermore, release of any trade secret, confidential statistical or commercial information would be arbitrary and capricious in violation of the Administrative Procedure Act. See, e.g., *CNA Financial Corp. v. Donovan*, 830 F.2d 1132, 1144 (D.C. Cir.), cert. denied, 485 U.S. 977 (1988).

**University of Denver  
Denver, CO**

**AFFIRMATIVE ACTION PROGRAM  
FOR PROTECTED VETERANS**

**November 1, 2019 through October 31, 2020  
Plan Year**

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## **Introduction**

University of Denver (DU) sets forth this affirmative action program (“AAP”) for the year from November 1, 2019 through October 31, 2020, reaffirming its commitment to the spirit and letter of affirmative action law. Through the implementation of this plan DU continues its efforts to comply with appropriate government regulations and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this AAP, DU recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

## **Equal Employment Opportunity Policy Statement**

### **41 C.F.R. § 60-300.44(a)**

In setting forth this plan DU reaffirms its belief and commitment in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment. Rufina A. Hernández, Esq., as the EEO Administrator, oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. DU’s top U.S. executive supports DU’s AAP.

DU provides for an audit and reporting system regarding DU’s affirmative action responsibilities under the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (“VEVRAA”) regulations, and assigns overall responsibility for the implementation of affirmative action responsibilities under these regulations.

DU recruits, hires, trains and promotes persons in all job titles, and ensures that all personnel actions are administered without regard to protected veteran status; and ensures that all employment actions are based only on valid job requirements. It is DU’s policy not to discriminate because of a person’s relationship or association with a protected veteran. This includes spouses and other family members. DU will safeguard the fair and equitable treatment of protected veteran spouses and family members with regard to all employment actions and prohibit harassment of applicants and employees because of their relationship or association with a protected veteran. DU’s employees and applicants are not subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:

1. filing a complaint with DU or with Federal, state, or local agencies regarding the status covered under this AAP;
2. assisting or participating in any investigation, compliance review, hearing, or any other activity related to the administration of any Federal, State, or local law requiring equal employment opportunity for protected veterans;
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 protected veterans; or

4. exercising any other right protected by VEVRAA or its implementing regulations.

DU's full AAP, absent the data metrics required by 41 CFR § 60-300.44(k), is available for inspection upon request at the location and during the hours that are posted at DU's establishment at DU's Human Resources Office.

**Definitions.** For the purposes of this AAP, the term "Protected Veteran" shall be defined as follows, according to the VEVRAA regulations:

Active Duty Wartime or Campaign Badge Veteran means a veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the U. S. Department of Defense.

Armed Forces Service Medal Veteran means any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation to which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

Disabled Veteran means:

1. A veteran of the U. S. military, ground, naval, or air service 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
2. A person who was discharged or released from active duty because of a service-connected disability.

Protected Veteran means a veteran who is protected under the non-discrimination and affirmative action provisions of VEVRAA; specifically, a veteran who may be classified as a "disabled veteran," "recently-separated veteran," "active duty wartime or campaign badge veteran," and/or an "Armed Forces Service Medal Veteran" as defined by this AAP and VEVRAA.

Recently-Separated Veteran means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

Pre-JVA veterans are those who would be protected by 41 C.F.R. Part 250 if it were not rescinded, but would not be protected under 41 C.F.R. Part 300, and if DU is found to still be signatory to any federal contracts signed on or before November 30, 2003 and which have not since been amended, modified and/or extended.

## **Review of Personnel Processes**

### **41 C.F.R. § 300.44(b)**

1. DU ensures its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees who are known protected veterans for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
2. DU also ensures that when a protected veteran is considered for employment opportunities, DU relies only on that portion of the individual's military record, including his or her discharge papers, relevant to the requirements of the opportunity in issue.
3. DU ensures that its personnel processes do not stereotype protected veterans in a manner which limits their access to all jobs for which they are qualified.
4. DU periodically reviews such processes and makes any necessary modifications to ensure that these obligations are carried out. A description of the review and any necessary modifications to personnel processes or development of new processes is included in this AAP.
5. DU designs procedures that facilitate a review of the implementation of this requirement by DU and the Government. The procedures DU uses are as follows:
  - a. The application or personnel form of each known applicant who is a protected veteran is annotated to identify each vacancy for which the applicant was considered, and the form will be quickly retrievable for review by the Department of Labor and DU's personnel officials for use in investigations and internal compliance activities.
  - b. Where applicants or employees are selected for hire, promotion, or training and DU undertakes any accommodation which makes it possible for it to place a disabled veteran on the job, DU makes a record containing a description of the accommodation. The record is treated as a confidential medical record in accordance with § 60-300.23(d).

## **Physical and Mental Job Qualifications**

### **41 C.F.R. § 300.23 and 44(c)**

1. DU adheres to a schedule for the periodic review of all physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified disabled veterans, they are job-related for the position and are consistent with job necessity.
2. Whenever DU applies physical or mental qualification standards in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified disabled veterans, the standards shall be related to the specific job or jobs

for which the individual is being considered and consistent with business necessity. DU reviews its job descriptions and qualifications to ensure they accurately reflect job duties and responsibilities. The schedule is as follows as job openings become available; as new job qualifications are established; and/or, when new equipment is installed.

3. No pre-employment physical examinations or questionnaires are used by DU prior to a job offer contingent on such examinations and other requirements.
4. DU may use as a defense to a violation of its obligations in Paragraph 2 above that an individual poses a direct threat to the health or safety of the individual or others in the workplace.
5. When DU conducts a medical examination or inquiry of a protected veteran it will do so according to the terms and conditions of the VEVRAA and Section 503 regulations, and the results of such an examination or inquiry are kept confidential according to federal regulations, which includes the following exceptions:
  - a. Supervisors and managers may be informed regarding restrictions on the work or duties of the applicant or employee and necessary accommodations;
  - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,
  - c. Government officials engaged in enforcing the laws administered by the OFCCP regarding individuals with disabilities or protected veterans, or enforcing The Americans with Disabilities Act (“ADA”) and The Americans with Disabilities Act Amendment Act of 2008 (“ADAAA”), shall be provided relevant information on request.

## **Reasonable Accommodation**

### **41 C.F.R. §60-300.44(d)**

1. It is DU's policy as a matter of nondiscrimination to make reasonable accommodation to the known physical and mental limitations of all otherwise qualified disabled veterans unless it can demonstrate that the accommodation would impose an undue hardship on DU's business, in accordance with the terms and conditions of Section 503 regulations. Undue hardship will be determined by its definition under applicable regulations under Section 503 including, but not limited to the following: Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the contractor, when considered in light of the factors set forth in 41 CFR § 60-300.2 (aa)(2), such as the overall financial resources of the facility and the impact of the accommodation upon the operation of the facility (this is not an all-inclusive list).
2. As a matter of affirmative action, if an employee who is known to be a disabled veteran 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, DU confidentially notifies the employee of the performance problem and inquires whether the problem is related to the employee's disability.
3. If the employee responds affirmatively, DU confidentially inquires whether the employee is in need of a reasonable accommodation.

## **Anti-Harassment Procedures**

### **41 C.F.R. § 60-300.44(e)**

DU has developed and implemented procedures to ensure its employees are not harassed because of their status as a protected veteran.

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

### **41 C.F.R. § 300.44(f)**

1. DU sends written notification of its policy related to affirmative action efforts to all subcontractors, including subcontracting vendors and suppliers, requesting appropriate action on their part.
2. DU undertakes appropriate outreach and positive recruitment activities such as some of those listed below that are reasonably designed to effectively recruit protected veterans. It is not contemplated that DU will necessarily undertake all the activities listed below or that its activities will be limited to the items listed below. The scope of DU's efforts shall depend upon all circumstances, including DU's size and resources and the extent to which existing employment practices are adequate.
  - a. Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for veterans to fulfill its commitment to provide meaningful employment opportunities for such veterans:
    - i. The Local Veterans' Employment Representative in the local employment service office (i.e. the One-Stop) nearest DU's establishment;
    - ii. The Department of Veterans Affairs Regional Office nearest DU's establishment;
    - iii. The veterans' counselors and coordinators ("Vet-Reps") on college campuses;
    - iv. The service officers of the national veterans' groups active in the area of DU's establishment;
    - v. Local veterans' groups and veterans' service centers near DU's establishment;
    - vi. The Department of Defense Transition Assistance Program (TAP), or any subsequent program that, in whole or in part, might replace TAP; and
    - vii. Any organization listed in the Employer Resources section of the National Resource Directory (<http://www.nationalresourcedirectory.gov/>), or any future service that replaces or complements it.
  - b. DU also considers taking the actions listed below, as appropriate, to fulfill its commitment to provide meaningful employment opportunities to protected veterans:
    - i. Formal briefing sessions should be held, preferably on DU's premises, with representatives from recruiting sources.

- ii. DU's facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the University's selection process, and recruiting literature are an integral part of the briefing. At any such briefing sessions, the DU official in charge of its affirmative action program is in attendance when possible. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.
  - iii. DU's recruitment efforts at all educational institutions incorporate special efforts to reach students who are protected veterans.
  - iv. An effort is made to participate in work-study programs with Department of Veterans Affairs rehabilitation facilities which specialize in training or educating disabled veterans.
  - v. Protected veterans are made available for participation in career days, youth motivation programs, and related activities in their communities.
  - vi. DU takes any other positive steps it deems necessary to attract qualified protected veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for any of the classifications of protected veterans.
  - vii. DU, in making hiring decisions, considers applicants who are known protected veterans for all available positions for which they may be qualified when the position(s) applied for is unavailable.
  - viii. DU considers listing its job openings with the National Resource Directory's Veterans Job Bank, or any future service that replaces or complements it.
3. DU documents all activities it undertakes to comply with the obligations of this section, and retain these documents for a period of three (3) years.

## **Assessment of External Outreach and Recruitment Efforts**

### **41 C.F.R. § 300.44(f)(3)**

1. DU, on an annual basis, reviews the outreach and recruitment efforts it has taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified protected veterans. DU documents each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and DU's conclusion as to whether each effort was effective. Among these criteria shall be the data collected pursuant to 41 C.F.R. § 60-300.44(k) for the current year and the two most recent previous years. If DU concludes the totality of its efforts were not effective in identifying and recruiting qualified protected veterans, it shall identify and implement alternative efforts listed in paragraphs (f)(1) or (f)(2) of this section to fulfill its obligations.

## **Internal Dissemination of Policy**

### **41 C.F.R. § 60-300.44(g)**

1. DU recognizes that a strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees.
2. DU implements and disseminates this policy internally as follows:
  - a. includes it in DU' s policy manual or otherwise make the policy available to employees; and
  - b. if DU is party to a collective bargaining agreement, it notifies union officials and/or employee representatives to inform them of DU's policy, and request their cooperation.
3. Further, to assure greater employee cooperation and participation in DU's efforts, DU has developed the internal procedures listed in this section of the AAP for communication of its obligation to engage in affirmative action efforts to employ and advance in employment qualified protected veterans. It is not contemplated that DU's activities will be limited to those listed. These procedures shall be designed to foster understanding, acceptance and support among DU's executive, management, supervisory and other employees and to encourage such persons to take the necessary actions to aid DU in meeting this obligation. DU additionally considers implementing and disseminating this policy internally as follows:
  - a. Informing all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for protected veterans;
  - b. Publicizing it in DU's newspaper, magazine, annual report and other media;
  - c. Conducting special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's support for the affirmative action policy;
  - d. Discussing the policy thoroughly in both employee orientation and management training programs; and
  - e. When employees are featured in employee handbooks or similar publications for employees, including disabled veterans.

## **Audit and Reporting System**

### **C.F.R. § 60-300.44(h)**

1. DU has designed and implemented an audit and reporting system that:
  - a. Measures the effectiveness of DU's AAP;
  - b. Indicates any need for remedial action;
  - c. Determines the degree to which DU's objectives have been attained;
  - d. Determines whether known protected veterans have had the opportunity to participate in all of DU's sponsored educational, training, recreational and social activities;
  - e. Measures DU's compliance with the AAP's specific obligations; and
  - f. Documents the actions taken to comply with the obligations of paragraphs (i) through (v) above, and retain these documents as employment records for three years subject to the recordkeeping requirements of § 60-300.80.
2. Where the affirmative action program is found to be deficient, DU undertakes necessary action to bring the program into compliance.

## **Responsibility for Implementation of the Plan**

### **1. Identification and Responsibilities of EEO/AA Administrator**

#### **41 C.F.R. § 60-300.44(i)**

In furtherance of DU's commitment to Affirmative Action and Equal Employment Opportunity, overall responsibility for implementing DU's AAP rests with its EEO/AA Administrator, whose identity should appear on all internal and external communications regarding DU's AAP. The EEO/AA Administrator shall be given top management support and staff to manage the implementation of this program as it pertains to all applicable laws, orders and regulations, including VEVRAA. Specifically, Rufina A. Hernández, Esq. or the designated representative's duties include:

- a. Ensures that DU lists its job openings in accordance with the requirements of 41 C.F.R. § 300.5.
- b. Ensuring DU posts in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the OFCCP Director provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as DU's obligation under the law to take affirmative action to employ

and advance in employment qualified employees and applicants who are protected veterans.

- c. Ensuring DU's applicants or employees who are disabled veterans are provided the notice in a form that is accessible and understandable to the individual applicant or employee (e.g., providing Braille or large print versions of the notice, or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair) when an applicant or employee requests the poster in an alternative format, or when DU knows that an applicant or employee is unable to read the poster because of a disability. DU may also provide the poster to an applicant or employee who is a disabled veteran in other alternate means, such as on disc or in audio recording, as long as the format provided enables the individual who is a disabled veteran to access the contents of a poster.
- d. Ensuring that, with respect to employees, if any, who do not work at a physical location of DU, DU satisfies its posting obligations by posting such notices in an electronic format, provided that DU provides computers, or access to computers, that can access the electronic posting to such employees, or DU has actual knowledge that such employees otherwise are able to access the electronically posted notices.
- e. Ensuring electronic notices for employees are posted in a conspicuous location and format on DU's intranet or sent by electronic mail to employees. An electronic posting is used by DU to notify job applicants of their rights if DU utilizes an electronic application process. Such electronic applicant notice are conspicuously stored with, or as part of, the electronic application.
- f. Ensuring that to the extent this requirement is applicable to DU, DU notifies labor organizations of its EEO policy as required by 41 C.F.R. § 60-300.44(g).
- g. Ensuring DU includes the provisions of this clause in every subcontract or purchase order in excess of \$100,000, unless exempted by the rules, regulations, or orders of the Secretary of Labor pursuant to VEVRAA, so that such provisions will be binding upon each subcontractor or vendor, under the terms and conditions of 41 CFR § 60-300.5(a).
- h. Ensuring that all solicitations or advertisements for employees placed by or on behalf of DU, state that all qualified applicants will receive consideration for employment without regard to their protected veteran status.
- i. Developing, maintaining and, where appropriate, modifying DU's AAP for protected veterans, policy statements, personnel policies, internal and external communication techniques including discussions with managers, supervisors and employees to ensure DU's policies are followed, and monitoring the effectiveness of these actions.
- j. Advising supervisors that they are responsible to prevent harassment of employees due to their status as a protected veteran.
- k. Identifying problem areas with line management in the implementation of the program, and helping management develop solutions to any identifiable problem area.

- l. Designing, implementing and overseeing an audit and reporting system to monitor the progress of the University and the AAP's effectiveness, including auditing the contents of DU's electronic and hard copy bulletin boards on a regular basis to ensure that compliance information that is posted is up to date.
- m. Serving as liaison between DU and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for protected veterans.
- n. Evaluating the effectiveness of DU's plan on a regular basis, and reporting to management.
- o. Monitoring policies and procedures including the selection, evaluation, promotion and training process with regard to the various terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
- p. Assisting in ensuring that DU has processes and procedures: a) to ensure career counseling for employees who are protected veterans, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure protected veterans are treated in accordance with anti-discrimination laws when hiring, promotion, transfer, and termination actions occur.
- q. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
- r. Assisting in the investigation, handling and disposition of employee discrimination and harassment complaints.
- s. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, and opportunity for participation in University-sponsored recreational, educational and social activities.
- t. Overseeing and ensuring that the below self-identification procedures are conducted as set forth in the VEVRAA regulations, using the language and manner prescribed by the OFCCP Director and published on the OFCCP Web site, as follows:
  - i. Pre-offer self-identification invitation procedures for DU's job applicants as set forth in 41 C.F.R. § 60-300.42 (a); and
  - ii. Post-offer identification procedures for DU's job applicants as set forth in 41 C.F.R. § 60-300.42 (a).

Further, DU does not compel or coerce an individual to self-identify as a protected veteran. DU keeps all information on self-identification confidential, and maintains it in a data analysis file (rather than in the medical or personnel files of individual employees) as set forth in 41 C.F.R. § 60-300.23(d). DU only uses the self-identification information in accordance with the VEVRAA regulations.

- u. Ensuring that DU complies with its obligations under 41 C.F.R. § 60-300.45, which requires that DU establish benchmarks for hiring, the purpose of which is to create a

quantifiable method by which DU can measure its progress toward achieving equal employment opportunity for protected veterans. The benchmarks will be set on an annual basis and will be documented also as set forth in this AAP.

- v. If an applicant identifies himself or herself as a disabled veteran in the post-offer self-identification detailed above, DU inquires of the applicant whether an accommodation is necessary, and, if so, engages with the applicant regarding reasonable accommodation. DU may make such inquiries to the extent they are consistent with the Americans with Disabilities Act. DU maintains a separate file in accordance with Section 60-300.23(d) on persons who have self-identified as disabled veterans.

## **2. Management Responsibilities**

### **41 C.F.R. § 60-300.44(i)**

Line and upper management are advised of their responsibilities for DU's AAP regarding protected veterans within his or her area of responsibility, including but not limited to their obligations to:

- a. Review DU's AAP for protected veterans with subordinate managers and supervisors to ensure they are aware of the policy, understand their obligation to comply with it in all personnel actions and understand the need for support at all levels.
- b. Assist in the auditing of plan progress, identification of problem areas, formulation of solutions, establishment of departmental goals and objectives, and development of training programs, when appropriate.
- c. Review the qualifications of applicants and employees in their area of responsibility to ensure protected veterans are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur.
- d. Review employees' performance to ensure that illegal discrimination regarding protected veterans does not occur.
- e. Make available career counseling to employees who are protected veterans, when so requested, and as appropriate.
- f. Review position descriptions to see that they adequately reflect the job to be performed.
- g. Audit training programs, hiring, and promotion patterns.
- h. Assist subordinates and upper management in the prevention of harassment.
- i. Show support for this AAP.

## **Affirmative Action Training**

### **41 C.F.R. § 60-300.44(j)**

DU provides training to all personnel involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure its AAP commitments are implemented.

## **ASSESSMENT OF EXTERNAL OUTREACH AND RECRUITMENT EFFORTS**

**Assessment:** DU evaluated the effectiveness of outreach and recruitment efforts for qualified veterans during its prior AAP year. During that period, of the applicants who chose to complete the self-identification form, 2.22% self-identified as a protected veteran. As a result, DU will continue to review and analyze its existing outreach efforts and commit to continue to identify viable partners throughout the year.

## **DATA COLLECTION ANALYSIS 41 C.F.R. § 60-300.44(k)**

DU documents the following computations or comparisons pertaining to applicants and hires on an annual basis and maintains them for a period of three (3) years:

1. The number of applicants who self-identified as protected veterans pursuant to § 60-300.42(a), or who are otherwise known as protected veterans;
2. The total number of job openings and total number of jobs filled;
3. The total number of applicants for all jobs;
4. The number of protected veteran applicants hired; and
5. The total number of applicants hired.

**See Protected Veterans Three Year Data Collection**

# Protected Veterans Three Year Data Collection

University of Denver

Required Data	November 1, 2016 through October 31, 2017	November 1, 2017 through October 31, 2018	November 1, 2018 through October 31, 2019
Number of applicants who self-identify as protected veterans pre-offer	N/A	N/A	164
Total number of job openings	N/A	N/A	2941
Total number of jobs filled	N/A	N/A	2941
Total number of applicants for all jobs	N/A	N/A	17132
Total number of protected veteran applicants hired	N/A	N/A	54
Total number of applicants hired	N/A	N/A	2941

## **BENCHMARKS FOR HIRING 41 C.F.R. § 60-300.45**

**Benchmark:** The purpose of establishing benchmarks is to create a quantifiable method by which DU can measure its progress toward achieving equal employment opportunity for protected veterans.

The benchmark is not a rigid and inflexible quota which must be met, nor is it considered either a ceiling or a floor for the employment of particular groups. Quotas are expressly forbidden.

Hiring benchmarks are set by DU on an annual basis. DU documents the hiring benchmark it has established each year. DU retains these records for a period of three (3) years.

**The current benchmark for protected veterans for this location is set at 5.9%, which matches the national protected veteran benchmark.**

### **Protected Veteran Hiring Ratio**

Total Hires	<b>2941</b>
Total Protected Veteran Hires	<b>54</b>
Percentage of Protected Veterans Hires	<b>1.8%</b>

**This location will continue to implement additional recruitment efforts to attract qualified applicants, including protected veterans, for all job openings.**

**Affirmative Action Program for  
Individuals with Disabilities**

**University of Denver**

**Denver, CO**

**Affirmative Action Program  
for  
Individuals with Disabilities**

**November 1, 2019 through October 31, 2020  
Plan Year**

## **CONFIDENTIAL, TRADE SECRET, AND PRIVATE MATERIAL**

This Affirmative Action Plan contains confidential, trade secret, commercial, and private information of DU, which is protected from disclosure by the Office of Federal Contract Compliance Programs pursuant to the Trade Secrets Act, 18 U.S.C. § 1905. The release of this information could cause substantial harm to DU or its employees within the meaning of the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 (b)(3), (4), (6) and (7) and the Trade Secrets Act. FOIA protects information in this document from mandatory disclosure to FOIA requestors. See, e.g., *Chrysler v. Brown*, 441 U.S. 281 (1979). Furthermore, release of any trade secret, confidential statistical or commercial information would be arbitrary and capricious in violation of the Administrative Procedure Act. See, e.g., *CNA Financial Corp. v. Donovan*, 830 F.2d 1132, 1144 (D.C. Cir.), cert. denied, 485 U.S. 977 (1988).

**University of Denver  
Denver, CO**

**AFFIRMATIVE ACTION PROGRAM  
FOR  
INDIVIDUALS WITH DISABILITIES**

**November 1, 2019 through October 31, 2020  
Plan Year**

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## **Introduction**

University of Denver (DU) sets forth this Affirmative Action Program (“AAP”) for the year from November 1, 2019 through October 31, 2020, reaffirming its commitment to the spirit and letter of affirmative action law. Through the implementation of this plan DU continues its efforts to comply with Section 503 of the Rehabilitation Act of 1973 (“Section 503”) and its implementing regulations, as amended, and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this plan, DU recognizes its duty to ensure equal employment opportunity for, and to prevent discrimination against, individuals with disabilities. The following statement of policy reinforces that belief.

## **Equal Employment Opportunity Policy Statement**

### **41 C.F.R. § 60-741.44(a)**

In setting forth this plan DU reaffirms its belief and commitment in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment. Rufina A. Hernández, Esq., as the EEO Administrator, oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. DU’s top U.S. executive supports DU’s AAP.

DU provides for an audit and reporting system regarding DU’s affirmative action responsibilities under Section 503 regulations, and assigns overall responsibility for the implementation of affirmative action responsibilities under these regulations.

DU recruits, hires, trains and promotes persons in all job titles, and ensures that all personnel actions are administered without regard to disability; and ensures that all employment actions are based only on valid job requirements. DU’s employees and applicants are not subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:

1. filing a complaint with DU or with Federal, state, or local agencies regarding the status covered under this AAP;
2. assisting or participating in any investigation, compliance review, hearing, or any other activity related to the administration of any Federal, State, or local law requiring equal employment opportunity for individuals with disabilities;
3. opposing any act or practice made unlawful by Section 503 or its implementing regulations, or any other Federal, State or local law requiring equal opportunity for individuals with disabilities; or
4. exercising any other right protected by Section 503 or its implementing regulations in this part.

DU's full AAP, absent the data metrics required by 41 CFR § 60-741.44(k), shall be available for inspection upon request at the location and during the hours that are posted at DU's establishment at DU's Human Resources Office.

## **Review of Personnel Processes**

### **41 C.F.R. § 741.44(b)**

1. DU ensures its 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 offered or available.
2. DU also ensures its personnel processes do not stereotype individuals with disabilities in a manner which limits their access to jobs for which they are qualified.
3. DU also ensures its applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communications technologies.
4. DU provides necessary reasonable accommodation to ensure applicants and employees with disabilities receive equal opportunity in the operation of personnel processes. DU periodically reviews such processes and makes any necessary modifications to ensure that these obligations are carried out. DU designs procedures that facilitate a review of the implementation of this requirement by DU and the Government. A description of the review and any necessary modifications to personnel processes or development of new processes are included in this AAP, and are as follows:
  - a. The application or personnel form of each known applicant who is an individual with a disability is annotated to identify each vacancy for which the applicant was considered, and the form is quickly retrievable for review by the Department of Labor and DU's personnel officials for use in investigations and internal compliance activities.
  - b. Where applicants or employees are selected for hire, promotion, or training and DU undertakes any accommodation which makes it possible for him or her to place an individual with a disability on the job, DU makes a record containing a description of the accommodation. The record is treated as a confidential medical record in accordance with § 60-741.23(d).

## **Review of Physical and Mental Job Qualifications**

### **41 C.F.R. § 60-741.44(c)**

1. DU has the following schedule for its review of physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified people with disabilities, such qualifications are job-related for the position in question and consistent with business necessity, and adheres to this

schedule. The schedule is as follows annually; as new job qualifications are established; and/or, when new equipment is installed.

2. Whenever DU applies physical or mental qualification standards in the selection of applicants or employees for employment or other changes in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified individuals on the basis of disability, the standards are related to the specific job or jobs for which the individual is being considered and consistent with business necessity.
3. DU may use as a defense to a violation of its obligations in Paragraph 2 above that an individual poses a direct threat to the health or safety of the individual or others in the workplace.
4. No pre-employment physical examinations or questionnaires are used by DU prior to a job offer contingent on such examinations and other requirements.
5. When DU conducts a medical examination or inquiry of a person with a disability, it will do so according to the terms and conditions of the Federal Regulations implementing Section 503, and the results of such an examination or inquiry are kept confidential according to Federal regulations, which includes the following exceptions:
  - a. Supervisors and managers may be informed regarding restrictions on the work or duties of the applicant or employee and necessary accommodations;
  - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,
  - c. Government officials engaged in enforcing the laws administered by the OFCCP regarding individuals with disabilities, or enforcing The Americans with Disabilities Act (“the ADA”) and The Americans with Disabilities Act Amendment Act of 2008 (“the ADAAA”), shall be provided relevant information on request.

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

### **41 C.F.R. § 60-741.44(d)**

1. It is DU's policy, as a matter of nondiscrimination, to make reasonable accommodation to the known physical and mental limitations of all otherwise qualified individuals with a disability, unless DU can demonstrate that the accommodation would impose an undue hardship on DU's business. Undue hardship will be determined by its definition under applicable regulations under Section 503 including, but not limited to the following: Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the contractor, when considered in light of the factors set forth in 41 CFR § 741.2 (aa)(2), such as the overall financial resources of the facility and the impact of the accommodation upon the operation of the facility (this is not an all-inclusive list).
2. As a matter of affirmative action, if an employee with a known 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, DU shall 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, DU shall confidentially inquire whether the employee is in need of a reasonable accommodation.

## **Anti-Harassment Procedures**

### **41 C.F.R. § 60-741.44(e)**

DU has developed and implemented procedures to ensure that its employees are not harassed on the basis of disability.

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

### **41 C.F.R. § 60-741.44(f)**

1. DU undertakes appropriate outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified individuals with disabilities. It is not contemplated that DU will necessarily undertake all the activities listed in Paragraph (f)(2) of this section or that its activities will be limited to those listed. The scope of DU's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.
2. Examples of outreach and recruitment activities. Below are examples of outreach and positive recruitment activities DU may undertake in accordance with Paragraph 1 of this section.
  - a. Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for individuals with disabilities, to fulfill its commitment to provide equal employment opportunity for such individuals:

- i. the State Vocational Rehabilitation Service Agency (“SVRA”), State mental health agency, or State developmental disability agency in the area of the contractor's establishment;
  - ii. the Employment One-Stop Career Center (One-Stop) or American Job Center nearest the contractor's establishment;
  - iii. the Department of Veterans Affairs Regional Office nearest DU's establishment ([www.va.gov](http://www.va.gov));
  - iv. entities funded by the Department of Labor that provide recruitment or training services for individuals with disabilities, such as the services currently provided through the Employer Assistance and Resource Network (EARN) ([www.earnworks.com](http://www.earnworks.com));
  - v. local Employment Network (“EN”) organizations (other than DU, if DU is an EN) listed in the Social Security Administration's Ticket to Work Employment Network Directory ([www.yourtickettowork.com/endir](http://www.yourtickettowork.com/endir));
  - vi. local disability groups, organizations, or Centers for Independent Living (CIL) near the contractor's establishment;
  - vii. placement or career offices of educational institutions that specialize in the placement of individuals with disabilities; and
  - viii. private recruitment sources, such as professional organizations or employment placement services that specialize in the placement of individuals with disabilities.
- b. In addition, DU has considered taking the actions listed below to fulfill its commitment to provide equal employment opportunities to individuals with disabilities. It is not contemplated that DU will necessarily undertake all of the activities listed below.
- i. Formal briefing sessions held, preferably on DU's premises, with representatives from recruiting sources. DU's facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of DU's selection process, and recruiting literature are an integral part of any such briefing. At any such briefing sessions, DU's official in charge of DU's AAP should be in attendance when possible. Formal arrangements are made for referral of applicants, follow up with sources, and feedback on disposition of applicants, from any such briefings.

- ii. DU's recruitment efforts at all educational institutions incorporate special efforts to reach students who are individuals with disabilities.
  - iii. DU makes an effort to participate in work-study programs for students, trainees, or interns with disabilities in programs found through outreach, such as to State and local schools and universities, and through EARN.
  - iv. Individuals with disabilities may be made available for participation in DU's career days, youth motivation programs, and related activities in DU's communities.
  - v. DU takes any other positive steps it deems necessary to attract individuals with disabilities not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These individuals may be located through State and local agencies supported by the U.S. Department of Education's Rehabilitation Services Administration (RSA) (<http://rsa.ed.gov/>), local Ticket-to-Work Employment Networks, or local chapters of groups or organizations that provide services for individuals with disabilities.
  - vi. DU, in making hiring decisions, considers applicants who are known to have disabilities for all available positions for which they may be qualified when the position(s) applied for is unavailable.
- 3. DU sends written notification of its policy relating to its affirmative action efforts to all its covered federal subcontractors, including covered subcontracting vendors and suppliers, requesting appropriate action on their part.
  - 4. DU documents all activities it undertakes to comply with the obligations of this section, and retains these documents for a period of three (3) years.

## **Assessment of External Outreach and Recruitment Efforts**

### **41 C.F.R. § 60-741.44(f)(3)**

- 1. DU on an annual basis, reviews the outreach and recruitment efforts it has taken over the previous twelve months to evaluate its effectiveness in identifying and recruiting qualified individuals with disabilities. DU documents each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and DU's conclusion as to whether each effort was effective. Among these criteria shall be the data DU collected pursuant to 41 C.F.R. § 741.44(k) for the current year and the two most recent previous years. If DU concludes the totality of its efforts were not effective in identifying and recruiting qualified individuals with disabilities, it identifies and implements alternative efforts listed in Paragraph 2 above to fulfill its obligations.

## **Internal Dissemination of Policy**

### **41 C.F.R. § 60-741.44(g)**

1. DU recognizes that even a strong outreach program for individuals with disabilities may be ineffective without adequate internal support from its supervisors and employees. Therefore, to ensure greater employee cooperation and participation in DU's efforts regarding its obligation to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities, DU has developed the following internal procedures. These procedures have been designed to foster understanding, acceptance and support among DU's executive, management, supervisory, and other employees to encourage such persons to take the necessary actions to aid the contractor in meeting this obligation.
2. DU implements and disseminates this policy internally as follows:
  - a. includes the policy in DU's policy manual or otherwise makes the policy available to employees; and
  - b. where DU is a party to a collective bargaining agreement, it notifies union officials and/or employee representatives of the contractor's policy and request their cooperation;
3. Below are some of the other methods DU may additionally use to implement and disseminate this policy internally:
  - a. informs all employees and prospective employees of DU's commitment to engage in affirmative action to increase employment opportunities for individuals with disabilities;
  - b. periodically schedules special meetings with all employees to discuss the policy and explain individual employee responsibilities;
  - c. publicizes the policy in DU's newspaper, magazine, annual report and other media;
  - d. conducts special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation making clear DU's chief executive officer's support for the affirmative action policy;
  - e. discusses the policy thoroughly in both employee orientation and management training meetings;
  - f. includes articles on accomplishments of individuals with disabilities in DU's publications; and
  - g. when employees are featured in employee handbooks and similar publications, includes individuals with disabilities.

## **Audit and Reporting System**

### **41 C.F.R. § 60-741.44(h)**

DU has designed and has implemented an audit and reporting system that:

1. Measures the effectiveness of DU's affirmative action program.
2. Indicates any need for remedial action.
3. Determines the degree to which DU's affirmative action objectives have been attained.
4. Determines whether known individuals with disabilities have had the opportunity to participate in all University sponsored-educational, training, recreational and social activities.
5. Measures DU's compliance with the AAP's specific obligations.
6. Documents the actions taken to comply with the obligations of Paragraphs (1) through (5) of this section, and retain these documents as employment records for a period of three years from the date of making of the record.
7. Where DU, upon its review, finds its AAP to be deficient and need further progress, DU undertakes necessary action to bring the program into compliance.

## **Responsibility for Implementation of the Plan**

### **41 C.F.R. § 60-741.44(i)**

#### **1. Identification and Responsibilities of the EEO/AA Administrator. 41 C.F.R. § 60-741.44(i)**

In furtherance of DU's commitment to Affirmative Action and Equal Employment Opportunity, overall responsibility for implementing DU's AAP rests with its EEO/AA Administrator, whose identity appears on all internal and external communications regarding DU's AAP. The EEO/AA Administrator has been given the necessary senior management support and staff to manage the implementation of this AAP. Specifically, Rufina A. Hernández, Esq. or the designated representative's duties include the following, all of which are administered in accordance with the Section 503 regulations:

- a. Ensuring DU posts in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the OFCCP Director provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as DU's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants with disabilities.
- b. Ensuring DU's applicants or employees with disabilities are provided the notice in a form that is accessible and understandable to the individual applicant or employee (e.g., providing Braille or large print versions of the notice, or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair) when an applicant or employee requests the poster in an alternative format, or when DU knows that an applicant or employee is unable to read the poster because of a disability. DU may also provide the poster to an applicant or employee with a disability in other alternate means,

such as on disc or in audio recording, as long as the format provided enables the individual with a disability to access the contents of a poster.

- c. Ensuring that, with respect to employees, if any, who do not work at a physical location of DU, DU satisfies its posting obligations by posting such notices in an electronic format, provided that DU provides computers, or access to computers, that can access the electronic posting to such employees, or DU has actual knowledge that such employees otherwise are able to access the electronically posted notices.
- d. Ensuring electronic notices for employees are posted in a conspicuous location and format on DU's intranet or sent by electronic mail to employees. An electronic posting is used by DU to notify job applicants of their rights if DU utilizes an electronic application process. Such electronic applicant notice are conspicuously stored with, or as part of, the electronic application.
- e. Ensuring that to the extent this requirement is applicable to DU, DU notifies labor organizations of its EEO policy as required by 41 C.F.R. § 60-741.44(g).
- f. Ensuring DU includes the provisions of this clause in every subcontract or purchase order in excess of \$10,000 under the terms and conditions of 41 CFR 60-741.5(a).
- g. Ensuring that all solicitations or advertisements for employees placed by or on behalf of DU, state that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.
- h. Developing, maintaining and, where appropriate, modifying DU's AAP for individuals with disabilities, policy statements, personnel policies, internal and external communication techniques including discussions with managers, supervisors and employees to ensure DU's policies are followed, and monitoring the effectiveness of these actions.
- i. Advising supervisors that they are responsible for preventing harassment of employees due to their status as individuals with disabilities.
- j. Ensuring affirmative action training is conducted in accordance with 41 C.F.R. § 60-741.44(j).
- k. Identifying problem areas with line management in the implementation of the program, and helping management develop solutions to any identifiable problem area.
- l. Designing, implementing and overseeing an audit and reporting system to monitor the progress of DU and the AAP's effectiveness, including auditing the contents of DU's electronic and hard copy bulletin boards on a regular basis to ensure that compliance information that is posted is up to date and accessible to applicants and employees with disabilities.
- m. Serving as liaison between DU and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for individuals with disabilities.

- n. Evaluating the effectiveness of DU's plan on a regular basis, as described in this AAP, and reporting to management.
- o. Monitoring policies and procedures including the selection, evaluation, promotion and training process with regard to the various terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
- p. Overseeing DU's processes and procedures: a) to ensure that career counseling for employees with known disabilities, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure individuals with disabilities are treated in accordance with anti-discrimination laws when hiring, promotion, transfer, and termination actions occur.
- q. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
- r. Assisting in the investigation, handling and disposition of employee discrimination and harassment complaints.
- s. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, and opportunity for participation in University-sponsored recreational, educational and social activities.
- t. Overseeing and ensuring that the below self-identification procedures are conducted as set forth in the Section 503 regulations, using the language and manner prescribed by the OFCCP Director and published on the OFCCP Web site, as follows:
  - i. Pre-offer self-identification invitation procedures for DU's job applicants as set forth in 41 C.F.R. § 60-741.42 (a);
  - ii. Post-offer identification procedures for DU's job applicants as set forth in 41 C.F.R. § 60-741.42 (a); and
  - iii. Self-identification invitation procedures for DU's employees as set forth in 41 C.F.R. § 60-741.42 (a).

Ensuring that DU does not compel or coerce an individual to self-identify as an individual with a disability, and that DU keeps all information on self-identification confidential, and maintains it in a data analysis file (rather than in the medical files of individual employees) as set forth in 41 C.F.R. § 60-741.23(d). DU only uses the self-identification information may be used only in accordance with the Section 503 regulations.

- u. Ensuring that DU annually evaluates its utilization of individuals with disabilities in each job group, or in its entire workforce in accordance with 41 C.F.R. § 60-741.45, including the following:
  - i. Ensuring that when the percentage of individuals with disabilities in one or more job groups, or in DU's entire workforce, as applicable, is less than the utilization goal established in the Section 503 regulations, DU takes steps to determine whether and where impediments to equal employment

opportunity exist. When making this determination, DU assesses its personnel processes, the effectiveness of its outreach and recruitment efforts, the results of its affirmative action program audit, and any other areas that might affect the success of its AAP.

- ii. Ensuring that DU develops and executes action-oriented programs designed to correct any identified problem areas. These action-oriented programs may include the modification of personnel processes to ensure equal employment opportunity for individuals with disabilities, alternative or additional outreach and recruitment efforts from among those listed in 41 CFR § 60-741.44 (f)(1) and (f)(2), and/or other actions designed to correct the identified problem areas and attain the established goal.

## **2. Management Responsibilities 41 C.F.R. § 60-741.44(i)**

Line and upper management are advised of their responsibilities for DU's AAP regarding individuals with disabilities within his or her area of responsibility, including but not limited to their obligations to:

- a. Review DU's AAP for individuals with disabilities with subordinate managers and supervisors to ensure they are aware of the policy, understand their obligation to comply with it in all personnel actions and understand the need for support at all levels.
- b. Assist in the auditing of plan progress, identification of problem areas, formulation of solutions, establishment of departmental goals and objectives, and development of training programs, when appropriate.
- c. Review the qualifications of applicants and employees in their area of responsibility to ensure qualified individuals with disabilities are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur.
- d. Review employees' performance to ensure that illegal discrimination regarding individuals with disabilities does not occur.
- e. Make available career counseling to employees with known disabilities, when so requested, and as appropriate.
- f. Review position descriptions to see that they adequately reflect the job to be performed.
- g. Audit training programs, hiring, and promotion patterns.
- h. Assist employees and other members of management in the prevention of harassment.
- i. If an employee with a known 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, 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, DU shall confidentially inquire whether the employee is in need of a reasonable accommodation.

- j. Show support for DU's AAP.

### **Affirmative Action Training**

#### **41 C.F.R. § 60-741.44(j)**

DU provides training and guidance to all personnel who are involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure that its AAP commitments are implemented.

## **ASSESSMENT OF EXTERNAL OUTREACH AND RECRUITMENT EFFORTS**

**Assessment:** DU evaluated the effectiveness of outreach and recruitment efforts for qualified individuals with disabilities during its prior AAP year. During that period, of the applicants who chose to complete the self-identification form, 6.22% self-identified as an individual with disability. As a result, DU will continue to review and analyze its existing outreach efforts and commit to continue to identify viable partners throughout the year.

## **DATA COLLECTION ANALYSIS 41 C.F.R. § 60-741.44(k)**

DU documents the following computations or comparisons pertaining to applicants and hires on an annual basis and maintains them for a period of three years:

1. The number of applicants who self-identified as individuals with disabilities pursuant to § 60-741.42(a), or who are otherwise known to be individuals with disabilities;
2. The total number of job openings and total number of jobs filled;
3. The total number of applicants for all jobs;
4. The number of applicants with disabilities hired; and
5. The total number of applicants hired.

**See Individuals with Disabilities Three Year Data Collection**

# ***Individuals with Disabilities Three Year Data Collection***

University of Denver

Required Data	November 1, 2016 through October 31, 2017	November 1, 2017 through October 31, 2018	November 1, 2018 through October 31, 2019
Number of applicants who self-identify as individuals with disabilities pre-offer	N/A	N/A	447
Total number of job openings	N/A	N/A	2941
Total number of jobs filled	N/A	N/A	2941
Total number of applicants for all jobs	N/A	N/A	17132
Total number of applicants with disabilities hired	N/A	N/A	49
Total number of applicants hired	N/A	N/A	2941

## **UTILIZATION ANALYSIS 41 C.F.R. § 60-741.45**

**41 CFR § 60-741.45 Utilization goals.** The utilization goal is not a rigid and inflexible quota which must be met, nor is it considered either a ceiling or a floor for the employment of particular groups. These goals are not quotas.

**Goal:** OFCCP has currently established a utilization goal of 7 percent for employment of qualified individuals with disabilities for each job group in DU's workforce.

**Purpose.** The purpose of the utilization goal is to establish a benchmark against which DU measures the representation of individuals with disabilities within each job group in its workforce. The utilization goal serves as an equal employment opportunity objective that should be attainable by complying with all aspects of the affirmative action requirements of the applicable Section 503 regulations.