

Affirmative Action Plan

New Jersey Institute of Technology

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CONFIDENTIALITY

The revised Affirmative Action Program (AAP at NJIT) is a business document reflecting the mission, goals and objectives of the university with respect to its diversity initiatives and compliance programs. This document will be revised and updated in conjunction with the scheduled Equal Employment Opportunity IPEDS data.

The AAP and its data are the property of the university, and as such are not to be disseminated without the understanding and permission of the President or his designee.

Please direct any questions or requests about the AAP to the Vice President of Human Resources (VPHR), Room 500 Fenster Hall (973) 596-3133.

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PROGRAM TERMINOLOGY

The terms underutilization and problem area appearing in this Affirmative Action Plan, are terms the university is required to use herein by government regulations. The criteria used in relation to these terms are those specified by the Government. These terms have no independent legal or factual significance whatsoever. Although NJIT will use the terms in total good faith in conjunction with its Affirmative Action Program, such usage does not necessarily signify that the university agrees that these terms are properly applied to any particular factual situation.

Whenever the term "goal" is used, it is expressly intended that the goal "should not be used to discriminate against any applicant or employee because of race, color, religion, sex or national origin," as stated in 4.1. C.F.R. 60-2.16.

REAFFIRMATION of POLICY

(This section was prepared so that NJIT's Affirmative Action Plan will be in compliance)

New Jersey Institute of Technology (NJIT) reaffirms its commitment to the full realization of Affirmative Action and Equal Employment Opportunity in its employment practices.

SECTION I

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of NJIT to:

1. Recruit, hire, train, and compensate persons in all applicable administrative, classified, faculty, unclassified, and student job titles without regard to age, ethnicity, creed, disability, atypical hereditary cellular or blood trait, genetic information, marital status, national origin, sex, race, religion, gender preference, gender, sexual orientation or veteran status otherwise prohibited by applicable law.
2. Base decisions on employment so as to further the principles of affirmative action and equal employment opportunity.
3. Ensure that promotion, reappointment, and tenure decisions are in accord with principles of affirmative action and equal employment opportunity by imposing only valid requirements for promotional, reappointment and tenure opportunities.
4. Ensure that all personnel actions including compensation, benefits, layoffs, returns from lay-off, training, education/tuition assistance, social and recreational programs will be administered without regard to age, ethnicity, creed, disability, typical hereditary cellular or blood trait, genetic information, marital status, national origin, sex, race, religion, gender preference, gender, sexual orientation or veteran status unless otherwise prohibited by applicable law.

Sex Discrimination Policy

The policy obligates NJIT to ensure that all recruitment and employment activities are administered without gender or marital status considerations, except where gender or marriage is a bona fide occupational qualification for the job. Equal employment opportunities will be assured regardless of sex, gender or marital status in all personnel policies, union contracts, training, terms and conditions of employment options. Employees will not be penalized for utilizing established family leave policy for the purpose of child birth, adoption and child care and will be returned to the original job or a position in a like or comparable status and pay. NJIT is required to employ affirmative action steps to recruit women and minorities for jobs where they are underemployed.

Policy Against Discrimination Because of Religion or National Origin

It is the responsibility of NJIT to ensure that all terms and conditions of employment are administered without regard to religion or national origin. NJIT's affirmative action efforts will include outreach designed to recruit, hire, promote, transfer, and retain in all job categories. NJIT has an obligation to foster internal communication and understanding of protected religion and national origin ethnic groups. NJIT will accommodate the religious observance practices of qualified applicants or employees unless they are precluded by business necessity, financial cost or result in an extreme personnel problem.

Disabled Workers Affirmative Action Policy

NJIT is obligated to ensure that all terms and conditions of employment are administered without regard to disability status. As part of this commitment NJIT will take affirmative action to recruit, employ, advance and retrain qualified individuals with disabilities, and ensure that all terms and conditions of employment are made without regard to disability status. Employment procedures and physical/mental job requirements will be evaluated annually. Position vacancies will be listed with the State Employment Service. Dissemination of the compliance requirements of the act will be conducted by NJIT's executive, management and supervisory personnel.

While all personnel concerned with employment and supervision are required to do their part, responsibility for establishing reporting procedures, monitoring, and annual revision and update to ensure compliance and continued implementation of NJIT's Affirmative Action Policy is vested in the Vice President of Human Resources having responsibility for programs and implementation.

Inquires concerning this policy should be directed to the:

Vice President for Human Resources and Executive Director
Compliance, Training and Community Relations
New Jersey Institute of Technology
Fenster Hall, Room 500
Newark, New Jersey 07102
(973) 596-3133

President: _____ Date: _____

Robert A. Altenkirch

SECTION II

DISSEMINATION OF EEO POLICY & AFFIRMATIVE ACTION PROGRAMS

NJIT's policy on Equal Employment Opportunity will receive wide internal and external dissemination on a scheduled basis. The Equal Employment Opportunity (EEO) policy will be communicated during the plan year as follows.

A. Internal Dissemination

NJIT will bring its Equal Employment Opportunity Policy to the attention of its employees using appropriate methods of communication.

Thus, necessary steps will be taken to assure that NJIT's Human Resources Management and other appropriate individuals are fully apprised of the university's EEO policy and the existence of the plan. The plan will be discussed and reviewed in supervisory and management meetings. Further, periodic reviews with supervisor, managerial and other employees as appropriate, will be conducted to determine the effectiveness of various aspects of this plan. EEO posters will remain placed in strategic conspicuous locations. To ensure that new employees are also thoroughly apprised of the university's Equal Employment Opportunity Policy, that policy will be discussed in employee orientation and management training programs.

The following methods of internal dissemination relevant to NJIT will be used:

- The EEO Policy will be included in the Personnel Policies and Procedures online directory.
- Updates and announcements of Affirmative Action policies and issues will be included in the HR Buzz online newsletter.
- The EEO Policy will be publicized in the university's newsletter and/or in other printed materials where appropriate. The HR BUZZ newsletter will also be used to provide Affirmative Action information updates.
- Special meetings will be conducted with executive, managerial and supervisory employees for the purpose of explaining both the intent of the policy and individual responsibility for its implementation. At such meetings, the President's commitment to the policy will be clearly expressed.
- During the orientation meeting scheduled for new employees, this policy will be discussed and the concept of individual employee responsibility will be explained.
- The university's EEO policy will be discussed in management training programs.

- Articles relating to affirmative action will be published from time to time in the Human Resources newsletter and/or other publications as appropriate and will include reports of general progress and of promotions and other job advances made by minority and women employees.
- The university has posted the “Equal Opportunity is the Law” poster on bulletin boards (in English and Spanish, where appropriate) and will continue to do so in the future.
- When employees are featured in advertising, employee handbooks or similar publications, both minority and non-minority men and women will be pictured.
- The university will communicate the existence of its Affirmative Action Plan and make available such elements of that plan as will enable employees to know of and avail themselves of its benefits.
- Employees will be encouraged to bring questions, comments or complaints with respect to the university’s EEO/Affirmative Action Policy or the implementation and administration of that policy, to the university’s Human Resources office.
- The university has informed and continues to inform its employees, faculty staff and management that it will adhere to compliance concepts, including the non-sanctioning of harassment of any employee because of race, color religion, sex, or national origin.
- EEO/Affirmative Action will be included in the performance appraisals of management and department heads.

B. External Dissemination

The EEO Policy of NJIT’s disseminated externally as follows:

- The university informs all recruitment sources, both orally and in writing, of its commitment to EEO and Affirmative Action. In doing so, the university makes clear that all applicants will be treated without regard to age, ethnicity, creed, disability, atypical hereditary cellular or blood trait, genetic information, marital status, national origin, sex, race, religion, gender preference, gender, sexual orientation or veteran status.

Further, these recruitment sources will be informed that NJIT actively seeks qualified women and minorities for employment for positions for which they have been previously excluded. The university will require an acknowledgment by each such source that it will actively recruit qualified minorities and women for all openings listed and will refer minorities and women along with other qualified candidates.

- The university will incorporate the Equal Opportunity Clause in all purchase orders, leases, contracts, etc., as regulated by Executive Order 11246 and its implementing regulations.
- The university will develop, maintain contact, and communicate in writing with appropriate minority and women's organizations, community agencies, guidance counselors, high schools, colleges and other potential sources of minority and women applicants, apprising them of the university's employment opportunities and diversity policy.

When the university advertises in newspapers for prospective employees, the advertisement includes the EEO solicitation "We are an Equal Opportunity Employer, M/F/D/V." Further, NJIT directs these newspapers, where necessary, not to place any such advertisements in sex-segregated "Help Wanted" columns.

Should employees be pictured in any university publication, both disabled, minority and non-minority, men and women will be shown.

- The Office of Human Resources' web page has been constructed. This construction will include an online copy of the university affirmative action plan, calendar of events, training schedule, related policy statements and information and links to other sites

SECTION III

RESPONSIBILITY FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PROGRAM

60-2.17 Responsibilities for AA/EEO Policy

The President of NJIT has final responsibility for the implementation and effectiveness of the AA/EEO Program. All managers and department heads of NJIT also have the responsibility for the final effectiveness of the AA/EEO Program. The primary responsibility for the implementation of the policy within the university has been delegated to the VPHR Programs.

A. Responsibilities of the Human Resources and Compliance Office

The responsibilities of the Human Resources and Compliance Office include but are not limited to the following:

- Assisting with the development of policy statements, preparing and updating the university's Affirmative Action Plan and preparing the internal and external communications relative to the appropriate AA/EEO activities of NJIT.
- Assisting in the identification of problem areas and establishment of the goals and objectives.
- Maintaining and continuing audit of the university's activities to identify possible problem areas and measure overall effectiveness of the AA/EEO Program, and the implementation thereof, and assisting line management in arriving at solutions to problems.
- Designing and implementing audit and reporting systems: preparing and submitting to the Government EEO Employer Information IPEDS Report.
- Serving as a liaison between NJIT and minority organizations, women's organizations, disability organizations, community action and service program groups concerned with the employment opportunities of minorities, women and disabled.
- Ensuring that appropriate members of management are kept abreast of applicable Federal, State and local laws and regulations pertaining to AA/EEO.
- Auditing of hiring, training and promotion patterns to remove impediments to the attainments of goals and objectives.
- Advising management personnel periodically with respect to progress in attainment of goals and objectives.

- Reviewing the qualifications of all employees to ensure that minorities and women are given full opportunities for transfers and promotions.
- Ensuring that posters are properly displayed: that minorities and women are encouraged to participate in university sponsored educational, training, recreational and social activities; and that all university facilities are, in fact, desegregated.
- Ensuring that managers and department heads are fully aware that their performance is in part based on their adherence to both the spirit and letter of this Program and of their responsibility to prevent harassment of employees placed through affirmative action efforts and to discourage sexist discrimination.
- Ensuring that career counseling is available to all employees.

B. Responsibility of Line Management 41 C.F.R. 60-2.17

It is the responsibility of each manager and department head to assure that all employment conditions are administered on an equal basis within his or her area of control.

This includes, but is not limited to, the following actions:

- Assisting in the identification of problem areas and establishing departmental goals and objectives.
- To the degree feasible, being involved with local minority organizations, women's organizations, community action groups and community service programs.
- Conducting periodic audits of training programs, as well as hiring and promotion patterns in order to remove impediments to the attainment of goals and objectives.
- Assuring that subordinates are following policies.
- Reviewing, when openings occur, the qualifications of employees to ensure that minorities and women are given full opportunity for transfers and promotions.
- Conducting career counseling for all employees upon request.
- Conducting monthly audits to ensure that the manager's and/or department head's are in compliance in areas such as:
 - I. Properly displayed posters.

- II. Facilities which NJIT maintains for the use and benefit of its employees to be desegregated both in policy and use.

- III. Managers and department heads made aware that their performance is evaluated on the basis of their equal employment opportunity efforts and results as well as other criteria.

It is the manager's and department head's responsibility to prevent any form of harassment of employees or students on campus.

Training programs to address all significant business and compliance areas are continually under review and revision. The nature of this review is to ascertain which programs can reasonably be done online, presented at new employee orientation, or disseminated across campus using other methods. With respect to the Sexual Harassment program, it is administered and supported by members of the Human Resources, Legal Affairs, and Murray Women's Center professional staff respectively. The development of Sexual Harassment or Staff Harassment Training activities is ongoing.

SECTION IV

INTERNAL AUDIT AND REPORTING SYSTEMS

60-2.17

For the purposes of this plan, areas of under representation and efforts to correct this issue will be focused on the faculty cohort of the university. As is referenced in the Strategic Plan of the university, special efforts will be made to recruit women and minorities to fill appointments in certain academic areas of the faculty.

At the beginning of each plan year the Vice President for Human Resources will review and discuss underutilization and goals with the Provost, or each responsible Vice Presidential unit and Dean for each school.

During the plan year, procedures of review and evaluation will be followed by Human Resources Office in order to measure the effectiveness of NJIT's Affirmative Action Program.

- Monitor the hiring for all under represented or underutilized job subgroups to facilitate progress toward goals.
- Review applicant flow data for rejection ratios (minorities and females) to review reasons for rejection and proper maintenance of such data.
- Review progress towards Affirmative Action and Strategic Planning goals and objectives, both numerically and in terms of personnel activity.
- Submit to President, Deans and Vice Presidents a report reflecting the university's progress toward achieving its goals and timetables.
- Review effectiveness of programs designed to assist in obtaining goals and objectives.
- Review promotions, transfers, terminations and performance reviews of minorities and women versus non-minorities and males in order to determine if there is disparate treatment.
- Review policies and wording of recruitment advertisements, newspaper placement, maintenance of records and use of minority and women's interest media.
- Review training, education and supervisory development programs.
- Review participation by the university in community activities and measure effectiveness.

- Review effectiveness of recruiting sources in referring minority and female applicants.
- Check technical phase of compliance, such as bulletin boards, notices and poster placements.
- Analyze distribution of minorities and women in the workplace.
- Identify areas of under representation or underutilization and discuss goals with the Provost, or responsible Vice Presidential units and School Deans at the beginning of each year.
- Ensure that position description and specifications are accurate and correct.
- Review all employee compensation and benefit programs to determine equal application.
- Review internal and external dissemination of EEO Policy.

An annual report of EEO progress for the university will be given yearly to the University for review. This report includes information on progress or lack of progress, improvement in employment of minorities and females, and the Compliance, Training and Community Relations office's recommendations and objectives.

The review of the NJIT demographic profile for fiscal year July 1, 2005 through June 30, 2006 has produced the same set of circumstances. The university has recognized that its compliment of female and minority faculty is under represented. To rectify this problem, however, NJIT continues to collaborate with its neighboring universities to insure that its students receive a quality educational product and experience. This collaboration takes the form of:

- Federated faculty departments (History, Physics, Bio-Medical Engineering)
- Cross registration between Rutgers and Essex County College
- Articulation agreements (Essex, Bergen and Union County College)

These steps were taken to insure that students had opportunity to take classes in a range of academic environments and from a broader more diverse range of faculty than exists in some of NJIT's faculty departments and divisions. It is statistically accepted that the number of qualified women and minorities in the applicant pool for faculty vacancies is very limited. NJIT will continue to develop its external outreach programs and collaborations to address this problem.

SECTION V

SEX DISCRIMINATION GUIDELINES

New Jersey Institute of Technology (NJIT) complies with the sex discrimination guidelines issued by the Office of Federal Contract Compliance Programs (OFCCP) and set forth in 41 C.F.R. Part 60-20, as follows:

- The university's employment advertising does not express a gender preference. Further, employees of both sexes are recruited for all jobs.
- NJIT does not rely upon a state "protective" law to deny women employees the right to any job they are qualified to perform.
- The university offers employees of both sexes an equal opportunity for any job they are qualified to perform.
- NJIT does not make any distinction based upon gender with regard to employment opportunities, wages, hours or other terms and conditions of employment.
- The university does not deny employment to women with children of any age.
- The university provides appropriate physical facilities to both sexes. Lack of facilities is not used to deny with employment to either gender.
- The university does not penalize in conditions of employment women who require time away from work for childbearing. When, under the family leave and/or other leave policy, a woman would qualify for leave, then childbearing is considered a justification like any other for granting such leave for a reasonable amount of time. The conditions applicable to her leave (other than its length) and to her return to employment are in accordance with the university's leave policy with respect to all leaves of absence. .
- Medical/maternity and family leave benefits apply to both married and unmarried women. An Active-Service Modified Duties policy has been adopted that enable

faculty to modify their job responsibilities and extend their tenure consideration period upon the birth or adoption of a child.

- NJIT does not, on the basis of gender, specify any differences between men and women employees in either mandatory or optional retirement age.
- The university's wage schedules are not related to or based upon gender.
- NJIT does not discriminatorily restrict one gender to certain job groups.
- The university takes affirmative action to recruit women for those jobs where underutilization exists.
- The university takes affirmative action to recruit women for those jobs where they have traditionally been excluded.
- Women are not excluded from jobs the university believes are "dangerous" or unsuitable" for women to perform (unless gender is a bona fide occupational requirement for a job).

In addition to the above, NJIT will continue to take affirmative action as follows:

- Encourage women to apply all positions in the university for which they are qualified.
- Include women in management training programs by the university.
- Encourage women to apply for all training programs which can facilitate their promotability.

NJIT's management has been made aware of the requirements set forth above. Further, the principles contained in these guidelines have been incorporated into the AA/EEO Policy of the university.

SECTION VI

RELIGION AND NATIONAL ORIGIN

60 - 50

It is the continuing policy and practice of NJIT to ensure that qualified applicants are employed, and that employees are treated without regard to their religion or national origin during employment. Such policy and practices include, but are not limited to, the following:

Part 60-50.2

1. NJIT's obligation to provide equal employment opportunity without regard to religion or national origin is communicated to management and all employees through the university's AA/EEO Policy.
2. Responsibility for insuring that the university's obligation to provide equal employment opportunity without regard to religion or national origin rests with every member of NJIT management. The primary responsibility within the university is delegated to the VPHR.
3. All recruiting sources will be notified by letter of the university's continuing commitment to provide equal employment opportunity without regard to religion or national origin.
4. The university will actively recruit at educational institutions with substantial enrollments of students from various religious and ethnic groups.

Part 60-50.3

1. To accommodate employees who observe religious holidays during the year and who are opposed to performing work or engaged in similar activity on such days, NJIT will make a reasonable attempt to observe paid optional holidays which can be used at the employees' discretion. Additionally, the university calendar lists a broad array of ethnic and cultural holidays and observances. This listing serves as an alert to managers and supervisors that members of their respective work forces may be unavailable due to these observances.
2. NJIT will make reasonable accommodations for the religious observances and practices of a prospective employee or employee who regularly observes Friday evenings and Saturday, or some other day of the week, as his/her Sabbath.

SECTION VII

CONSIDERATION OF MINORITIES AND WOMEN NOT CURRENTLY IN THE WORK FORCE

41 C.F.R. 60 - 2.17 (c)

The university will undertake the following approaches to enhance our recruitment of minorities and women having requisite skills:

1. Advise appropriate schools and agencies of various job openings.
2. Work with local government agencies to specifically attempt to find qualified affirmative action job applicants.
3. Post all job openings on university bulletin boards, websites, and the HR Buzz newsletter.
4. Directly request and encourage employees to refer to NJIT for employment consideration applicants who are not currently in the work force.
5. Pursue an active recruitment program as described in Section VII-Execution of Action Oriented Programs.
6. Maintain an online internet job listing for all university vacancies available 24 hours a day.

SECTION VIII

DISABLED VETERANS AND VIETNAM-ERA VETERANS

A. Affirmative Action Clause

1. The policy of NJIT is to provide fair employment and career opportunities to every qualified person. Accordingly, NJIT will not discriminate and take affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans without discrimination based upon their status or physical or mental disability or handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training including apprenticeship. Refer to the reaffirmation statement on page 1 hereof.
2. NJIT agrees that all suitable employment openings will be listed at the local office of the State employment service. The university also agrees to provide such reports to the correct local office regarding employment openings and hires as may be required. This does not apply to the openings which the university proposes to fill within the organization.
3. Employment openings will be sent concurrently to the State employment service office and other recruitment sources.
4. NJIT agrees to comply with the rules and regulations of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended.
5. NJIT understands that non-compliance with the requirements of this clause may result in actions of non-compliance in accordance with the rules and regulations of the Act.
6. All notices pertaining to the employment and advancement of qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans are posted in conspicuous places, available to employees and applicants.
7. The equal employment opportunity clause will be incorporated into all subcontract and purchase orders of \$25,000 and more.

B. Applicability of Affirmative Action Program Recruitment

1. The Affirmative Action Plan for qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans is a separate program at NJIT.
2. The Affirmative Action Plan for qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans is reviewed and updated annually.
3. The Affirmative Action Plan is available for inspection in the Human Resources Office during normal business hours to any employee upon request.
4. The Statement of Equal Employment Opportunity, posted on bulletin boards invites those people who believe themselves covered by the Vietnam-Era Readjustment Assistance Act of 1974 to notify the Vice President for Human Resources.

C. Affirmative Action Policy, Practices and Procedures

1. Refer to the Reaffirmative Statement.
2. Personnel processes have been reviewed to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled veteran applicants for job vacancies filled either by hiring or promotion and all training opportunities offered or available.
3. Physical and mental job qualifications:
 - a. All physical and mental job qualifications have been and will continue to be reviewed to ensure that qualification requirements do not tend to screen out qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.
 - b. In the selection of applicants or employees for employment or other changes in employment, physical or mental job qualification requirements shall be related to the specific job or jobs and shall be consistent with business necessity and the safe performance of the job.
4. Reasonable accommodations are made to the physical and mental limitations of an employee or applicant unless such accommodation would impose an undue hardship on the conduct of the university's business. .
5. Compensation of qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans is not

reduced because of disability income, pension or any other benefit.

6. External dissemination of Human Resources' policy and programs do provide the required affirmative action for employment and advancement of qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans. The external dissemination of this program may be known in the following manner:
 - a. Letters to agencies who may refer candidates for job openings including private and public employment agencies, schools, federal, state or private agencies.
 - b. Personal consultation with officials from veteran's organizations for the rehabilitation and job placement of qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.
 - c. Filing job openings to be filled by external recruitment with the Division of Employment Security on a timely basis and with agencies and individuals (outlined in the above-referenced paragraphs a and b) to the extent possible.

7. Internal Dissemination of Policy

This Affirmative Action Program is made known to all employees in a variety of ways, including following:

- a. Notices posted on bulletin boards throughout the university that are accessible to all employees and job applicants.
 - b. Posters, as provided by government agencies, are placed on bulletin boards throughout the university.
 - c. Applicants are informed are of their rights under this affirmative action program in the application process.
8. The responsibility for implementing and monitoring this policy is assigned to the Vice President of Human Resources who reports directly to the President and designated Human Resources Compliance Officers. Responsibilities will include, but not necessarily be limited to the following:
 - a. Development of policy statements, affirmative action programs and internal and external communication techniques. In addition, supervisors will be advised that:
 - (i) Their work performance will be evaluated in part on the basis of their affirmative action efforts and results.
 - (ii) They are obligated to prevent harassment of employees placed

through affirmative action efforts.

- b. Identification of problem areas in conjunction with line management and known qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans, in the implementation of the affirmative action programs and in developing solutions.
- c. Design and implement audit systems that will determine effectiveness of the program.
- d. Act as a liaison between the university and enforcement agencies.
- e. Act as a liaison between the university and organizations and agencies relating to qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.
- f. Keep management aware of the latest developments in the entire affirmation action area.
- g. Arrange for career counseling for known disabled veterans and Vietnam-Era veterans.

9. Action Plan and Recruitment

- a. Job qualification requirements that have been reviewed will be made available to members of management involved in the recruitment, screening, selection, and promotion process.
- b. Office of Human Resources will evaluate the selection process including training and promotion to ensure freedom from stereotyping qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans in a manner which limits their access to all jobs for which they are qualified.
- c. Personnel involved in the recruitment, screening, selection, promotion, disciplinary and related processes are aware of the university's commitment to this affirmative action program.
- d. Recruiting efforts at schools and college will be incorporated to reach qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.

- e. The university will use all available resources to continue or establish on-the-job training for qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.
- f. Search and screen procedures are reviewed annually to insure they are aligned with new state and federal guidelines.
- g. NJIT will take corrective action when areas of concern and impropriety are noted.

D. Determination of Disability

The definitions of this plan will govern, however, if this becomes necessary, the following criteria will also be used:

1. The applicant or employee may be required to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the university's expense.
2. Any determination of disability must meet the requirements of Section 41. C.F. R. 60-741 and must be for the purpose of affirmative action and proper job placement. Information obtained shall be used to exclude or otherwise limit the employment opportunities of qualified disabled individuals.

E. Listing of Employment Openings

Employment openings will be listed with the New Jersey Division of Employment Security and with appropriate agencies and individuals relating to disabled and Vietnam-Era veterans. NJIT has recently become a member of the New Jersey Higher Education Consortium (NJ-HERC). This website provides job candidates seeking faculty appointments, an enhanced employment portal to opportunities on campus.

F. Complaint Procedures

Any applicant for employment or any employee covered under this plan who believes he or she been discriminated against may file a written complaint. The complaint may be made directly to the Human Resources Office, Room 500 Fenster Hall.

G. Intimidation or Interference

The university does insure that no person intimidates, threatens, coerces or discriminates against any investigation, compliance review or hearing.

H. Recordkeeping

The university will maintain records for not less than two years of its actions under this plan, including but not limited to, correspondence with relevant agencies including the Division of Employment Security and agencies and individuals relating to the qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans, special accommodations requested and actions taken, identification of each employee covered by this plan and the date and

circumstances under which such identification occurred, all personnel actions relating to employees so identified. Further, all promotions, transfers and training opportunities for which identified employees have been considered, reasons for rejections of any identified person considered for employment, promotion, transfer or training, including a comparison of his or her qualifications with those of the person selected, and records of complaints and proceedings and actions taken against them under this plan.

I. DEFINITIONS

For the purpose of this plan, veterans shall mean any of the following:

1. Special disabled veteran means a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability:

(A) Rated at 30 percent or more; or

(B) Rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap; or a person who was discharged or released from active duty because of a service-connected disability.

2. Qualified special disabled veteran means a special disabled veteran who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such veteran holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

3. Veteran of the Vietnam era means a person who served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred:

(i) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or

(ii) Between August 5, 1964, and May 7, 1975, in all other cases; or

who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed:

(i) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or

(ii) Between August 5, 1964, and May 7, 1975, in all other cases.

3. Other protected veteran means a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under laws administered by the Department of Defense.

4. Recently separated veteran means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.

Note:

While all those who meet this definition's requirements at any time, no one may file a complaint about any alleged discriminatory act which occurs later than 48 months after his or her date of discharge from military service.

J. DETERMINATION OF DISABILITY

Any qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans filing an administrative complaint with the OFCCP shall comply with the provisions of 41 C.F.R. Part 60-250.61. Copies of the complaint documentation may be required by the university.

This Affirmative Action Plan covers qualified special disabled veterans and veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.

TO PARTICIPATE:

If you meet any of the aforementioned criteria, and wish to participate in benefits provided under this Affirmative Action plan, you may at any time notify the VPHR. Any information you provide the university will be kept strictly confidential, with but a few exceptions. (These exceptions include notifying first aid and safety personnel, supervisors who need to know of such disabilities because of working conditions, and any Federal Government Compliance Officer.) In no case will any employee be discharged or disciplined, nor will any applicant be adversely affected because he or she does not voluntarily inform the university of eligibility for a program.

All responses and any information which is supplied to the university because of this notice will be used solely in accordance with either the Rehabilitation Act of 1973 or the Vietnam Era Readjustment Assistance Act of 1974 and related regulations.

Affirmative Action Plans are available for your review. Contact the Office of Human Resources for an appointment.

SECTION IX

DISABLED EMPLOYEES UNDER THE REHABILITATION ACT OF 1973, AS AMENDED

A. Affirmative Action Clause

1. NJIT's policy is to provide fair employment and career opportunities to every qualified applicant. Thus, NJIT will apply affirmative action to employ, advance in employment and otherwise treat qualified individuals with a disability without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensations and selection for training, including apprenticeship. Refer to the reaffirmation statement on page 1 hereof.
2. NJIT agrees to comply with the rules and regulations of the Rehabilitation Act of 1973 as amended
3. NJIT understands that noncompliance with the requirements of this clause may result in actions of noncompliance in accordance with the rules and regulations.
4. All notices pertaining to the employment and advancement of the handicapped are posted in conspicuous places, and available to employees and applicants.
5. The equal employment opportunity clause will be incorporated into all subcontracts and purchase orders in excess of \$10,000.

B. Applicability of Affirmative Action Program Recruitment

1. The Affirmative Action Plan for the Disabled is a separate program at NJIT.
2. Applicability and Availability of the Affirmative Action Program:
 - a. Any employee at any time of his or her employment may inform the Vice President of Human Resources and/or other Human Resources Compliance Officers of his /her desire to benefit under this program, as described in the Act.
 - b. NJIT understands its obligation to take affirmative action with respect to those applicants or employees whose disability the university has actual knowledge.
 - c. NJIT understands it will not be relieved from liability for discrimination under the Act.

C. Affirmative Action Policy, Practices and Procedures

1. Refer to the Reaffirmative Statement.
2. Personnel processes have been reviewed to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known qualified individuals with a disability for job vacancies filled either by hire or promotion and for all training opportunities offered or available.
3. Physical and mental job qualifications:
 - a. All physical and mental job qualifications have been and will continue to be reviewed to ensure that qualifications of known qualified individuals with a disability for job vacancies filled either by hiring or promotion and for all training opportunities offered or available.
 - b. In the selection of applicants or employees for employment or other changes in employment, physical or mental job qualification requirements shall be related to the specific job or jobs and shall be consistent with business necessity and the safe performance of the job.
4. Reasonable accommodations are made to the physical and mental limitations of an employee or applicant unless such accommodation would impose an undue hardship on the conduct of the university.
5. Compensation of qualified individuals with a disability is not reduced because of disability income, pension or any other benefit.
6. External Dissemination of Policy

Human Resources' programs do provide the required affirmative action for employment and advancement of qualified individuals with a disability. The external dissemination of this program may be known in the following manner:

- a. Letters to agencies who may refer candidates for job openings including private and public employment agencies, schools, federal, state or private agencies.
- b. Personal consultation with officials from disability organizations for the rehabilitation and job placement of qualified individuals with a disability.
- c. Filing job openings to be filled by external recruitment with the Division of Employment Security on a timely basis and with agencies and individuals (outlined in the above-referenced paragraphs and b) to the extent possible.

7. Internal Dissemination of Policy. This Affirmative Action program is made known to all employees in a variety of ways, including the following:
 - a. Notices posted on bulletin boards throughout the university that are accessible to all employees and job applicants.
 - b. Posters, as provided by government agencies, are placed on bulletin boards throughout the university.
 - c. Applicants are informed of their rights under this affirmative action program in the application process.

8. The responsibility for implementing and monitoring this policy is assigned to the VPHR who reports directly to the President and to designated Human Resources Compliance Officers. Their responsibilities will include, but not necessarily be limited to the following:
 - a. Development of policy statements, affirmative action programs and internal and external communication techniques. In addition, supervisors will be advised that:
 - (i) Their work performance will be evaluated in part on the basis of their affirmative action efforts and results.
 - (ii) They are obligated to prevent harassment of employees placed through affirmative action efforts.
 - b. Identification of problem areas in conjunction with line management and known qualified individuals with a disability, in the implementation of the affirmative action programs and developing solutions.
 - c. Design and implement audit system that will determine effectiveness of the program,
 - d. Act as a liaison between the university and enforcement agencies.
 - e. Act as a liaison between the university and organizations and agencies relating to qualified individuals with a disability.
 - f. Keep management aware of the latest developments in the entire affirmative action area.
 - g. Arrange for career counseling for known qualified individuals with a disability.

9. Action Plan and Recruitment

- a. Job qualification requirements that have been reviewed will be made available to members of management involved in the recruitment, screening, selection and promotion process.
- b. The VPHR will evaluate the selection process including training and promotion to ensure freedom from stereotyping disabled veterans and Vietnam-Era veterans in a manner which limits their access to all jobs for which they qualify.
- c. Personnel involved in the recruitment, screening, selection, promotion, disciplinary and related processes are aware of the university's commitment to this affirmative action.
- d. Recruiting efforts at schools and colleges will be incorporated to reach disabled and Vietnam-Era veterans.
- e. Employment advertising will refer to equal employment opportunity, and the university will seek to publicize openings in media reaching disabled and Vietnam-Era veterans.

10. The University understands that contracts with the sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified individuals in its work force.

D. Determination of Disability

The definitions of this plan will govern, however, if it becomes necessary, the following criteria will also be used:

1. The applicant or employee may be required to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the university's expense.
2. Any determination of disability must meet the requirements of Section 41 C.F.R. 60-741 and must be for the purpose of affirmative action and proper job placement. Information obtained shall not be used to exclude or otherwise limit the employment opportunities of qualified disabled individuals.

E. Listing of Employment Openings

Employment openings will be listed with the New Jersey Division of Employment Security and with appropriate agencies and individuals relating to individuals with a disability.

F. Complaint Procedures

Any applicant for employment or any employee covered under this plan who believes he or she has been discriminated against may file a written complaint. The complaint may be made directly to the university through the Vice President of Human Resources or designated Human Resources Compliance Officers.

G. Intimidation or Interference

The university does insure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of interfering with the filing of a complaint or furnishing information in an investigation, compliance review or hearing.

H. Recordkeeping

The university will maintain records for not less than two years of its actions under this plan, including but not limited to, correspondence with relevant agencies and individuals relating to the qualified individuals with a disability, special accommodations requested and actions taken, identification of each employee covered by this plan and the date and circumstances under which such identification occurred, all personnel actions relating to employees so identified. Further, all promotions, transfers and training opportunities for which identified employees have been considered, reasons for rejections of any identified person considered for employment, promotion, transfer or training, including a comparison of his or her qualifications with those of the person selected, and records of complaints and proceedings and actions taken on them under this plan.

SECTION X

DEFINITIONS

1. An Individual with a disability means any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities;
 - (ii) Has a record of such an impairment; or
 - (iii) Is regarded as having such an impairment.
2. Major life activities means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
3. Substantially limits means:
 - (i) Unable to perform a major life activity that the average person in the general population can perform; or
 - (ii) Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.
4. Qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. (See Sec. 60-741.3 for exceptions to this definition.)
5. Has a record of such impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
6. Is regarded as having such an impairment means:
 - (i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the contractor as constituting such limitation;
 - (ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
 - (iii) Is not physically or mentally impaired, but is treated as having a substantially limiting impairment

CONCLUSION

The major compliance related activities NJIT will address in the coming year focus on the Ethics initiatives developed and promulgated by the Governor's Office. The establishment of an Ethics Liaison Office in the university and located in the Human Resources area is a significant development on the part of the university.

The position of Ethics Liaison Officer (ELO) is being introduced to respond to issues of academic integrity, accountability, and conflicts of interest in faculty research. The ELO was also given compliance responsibilities and has been added to the Affirmative Action Plan committee. This position will be staffed by November 2007.

This is the first full academic year Human Resources has had People Admin applicant tracking software in place. There are indications that the system has been very helpful in capturing all of the required compliance information used in preparing the university Affirmative Action Plan, and providing more complete applicant profiles. The process has not been totally institutionalized, as some departments are still receiving electronic applications, and resumes despite the tracking system being in place to serve as the university repository for these documents.

Lastly, Human Resources is approaching its former full staff capabilities. The position of Director of Labor Relations and Compliance has been filled as of January 2007, and with the completion of the ELO search there is only one more current vacancy to be addressed. The full complement of HR professionals should provide NJIT with an opportunity to manage all of its customer service activities and compliance responsibilities much more efficiently in the coming years.

PROBLEM AREAS

The areas of concern are universal to most research universities and especially so to NJIT as we position ourselves to compete on a national basis as opposed to our former status as a regional university. In particular, the recruitment of women and minorities to fill our faculty appointments for tenure track openings is a continuing concern we review and address annually. .

CORRECTIVE ACTIONS

Recruitment of women and minorities will no longer rely solely on external websites to create national exposure of our programs at NJIT. The university will begin to use more sophisticated and targeted marketing strategies in addition to attending national conferences where women and minority scholars have been asked to present academic research papers. This process will be much more direct, cost effective and allow NJIT

to recruit in specific areas of research as opposed to general broadcasting of available faculty appointments.

Applicant Tracking

Human Resources have completed the process of acquiring the online software needed to resolve our applicant tracking issues on computer.