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Office of Affirmative Action Report 08-09

Mission Statement

The Office of Affirmative Action seeks to ensure that Kansas State University's employment policies, practices, educational programs, services and activities comply with the letter and spirit of Federal, State of Kansas and K-State equal opportunity, affirmative action and nondiscrimination laws, executive orders, rules, regulations, policies and procedures. The OAA staff oversee, facilitate and support the effective implementation of policies and procedures that prohibit discrimination and ensure equal opportunity regardless of race, color, sex, national origin, religion, age, ancestry, military status, veteran status, sexual orientation, gender identity and disability. The OAA staff monitors recruitment strategies and selections to ensure that K-State fulfills its good faith affirmative action obligations to recruit, employ and advance women, minorities, veterans, disabled veterans and individuals with disabilities. To fulfill its mission the OAA:

- Leads the initial evaluation of reports of discrimination or harassment, promptly organizes an impartial and thorough administrative review, if necessary, and recommends equitable resolution of complaints;
- Refers individuals to offices that can assist in resolving a concern when the concern is not in the OAA's areas of responsibility, and follows up to determine whether the problem has been resolved;
- Serves as a dispute resolution clearinghouse with the Ombudspersons, Employee Relations, University Attorney, Mediation Services, Office of Academic Personnel, Division of Human Resources, and Human Systems Consultant;
- Writes the affirmative action plan and program to comply with Federal requirements;
- Develops and delivers tailored AA/EEO educational programs concerning discrimination, sexual harassment, affirmative action, respectful workplace and diversity;
- Monitors the attainment of affirmative action goals;
- Recommends, writes, interprets and implements AA/EEO policies and procedures;
- Advises the K-State community on AA/EEO policies and procedures; and
- Coordinates requests for reasonable accommodations under the Americans with Disabilities Act (ADA), investigates and resolves ADA complaints, and serves as liaison to the State of Kansas ADA Coordinator.

Approach

We are committed to an open, collaborative partnership based on a clear understanding of the OAA's compliance responsibilities and the need for K-State's academic and administrative units to attract, hire and retain a well-qualified, diverse workforce. Ensuring compliance requires us to be persistent and insistent that practices comply with the letter and spirit of laws, orders, and regulations. However, we are approachable and actively listen to views and concerns. Clarity and efficiency are important, and minimize confusion and unwarranted delays. The information we provide will be coherent, logical and practical. We will not ask departments to do something they neither have the ability or resources to do. We will be unbiased and consistent in decisions and will make decisions and recommendations without undue delay. We will objectively consider and respect different views and alternative approaches to compliance. We will answer questions about K-State's affirmative action program, recruitment and selection procedures, AA/EEO policies, procedures and practices, AA/EEO training/education programs, discrimination, retaliation and harassment, and the ADA.

Services Provided

Advise and Consult with Search Committees.

At the beginning of a search, hiring units may invite an OAA staff member to meet with the search committee to review equal opportunity and affirmative action principles, policies and procedures, explain the forms used in the search, availability and utilization data, discuss possible recruitment sources and strategies, and special outreach efforts. As the search progresses, OAA staff are available to discuss screening procedures, evaluation of applicants' qualifications, reference checking, and on campus interviews. When hiring units identify finalists, OAA staff members are available to discuss the relative strengths of the candidates and how diversity may be considered in the final decision.

Coordinate the Interactive Process for Reasonable Accommodation.

The ADA Coordinator assists applicants, employees, hiring officials, supervisors and managers in determining the essential functions of jobs and obtaining documentation of functional abilities and limitations, unless the limitations

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are obvious; researching and considering possible accommodations; and selecting an effective accommodation. The ADA Coordinator works with Disability Support Services to ensure that students receive academic accommodations and with program sponsors to ensure that programs and activities are accessible. The ADA Coordinator prepares a record of the process and informs individuals of the appeal process when a reasonable accommodation is denied.

Manage Affirmative Action and Equal Employment Opportunity Compliance.

OAA staff consults with department officials concerning recruitment efforts to inform individuals covered by the affirmative action program of job opportunities, to assess the degree to which the department affords qualified individuals an equal opportunity to apply for jobs, training, promotion and transfers, OAA staff may also review salaries disciplinary and termination records to look for evidence of inequitable salaries or differential treatment.

Investigate and Resolve Discrimination and Harassment Complaints.

The OAA responds to reports and complaints or concerns about discrimination or harassment on the basis of race, color, sex, national origin, religion, age, ancestry, military status, veteran status, sexual orientation, gender identity and disability. OAA staff interview individuals who report discrimination or harassment, organize an administrative review team to evaluate the report and determine how to resolve the report. If an investigation is warranted, the team prepares a complaint, informs the accused, interviews witnesses and obtains relevant documents, decides whether discrimination or harassment has occurred, and recommends appropriate sanctions and corrective actions, if necessary. Complaints are confidential. Click here to view the [Policy and Procedure for Discrimination and Harassment Complaints](#).

Provide EEO Counseling.

OAA staff provides informal confidential assistance on matters in which there is no allegation of discrimination or harassment. They listen to concerns, help individuals to evaluate situations and select options to resolve concerns; answer questions, make referrals for mediation, employee assistance, human systems consultant, and ombudspersons; and explain complaint resolution procedures. OAA staff may review documents, or contact department officials to ask questions about policies, practices, or procedures, but they will only disclose an individual's name with the individual's permission. However, in situations where there is risk of injury, danger to health and safety, disruption of operations or loss of property, staff must inform appropriate K-State officials. OAA staff does not make administrative or academic decisions.

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Training

Sexual Harassment Awareness and Prevention.

This is an interactive workshop that reviews of Federal law and K-State's policy and definition of sexual harassment, everyone's responsibility to avoid conduct that might constitute sexual harassment, potential sanctions for sexual harassment and possible remedies and corrective actions. Case studies and videos are used to add realism and opportunities for small group and large group discussions. OAA staff review the complaint investigation and resolution procedure. OAA staff offers the training quarterly through Employee Relations and Training or as requested by colleges or departments.

Equal Opportunity for Persons With Disabilities.

This training focuses on how the ADA establishes rules for employers to follow in relation to qualified individuals with disabilities in the workplace. Lecture, small and large group discussions cover recruitment, pre- and post-hiring medical inquiries, hiring, advancement, performance evaluation, reasonable accommodation, discipline and dismissal. Practical exercises include writing non-discriminatory position announcements and position descriptions, and developing interview questions. Lecture includes the role of the OAA in administering K-State policy. The training can be tailored for a specific group.

Creating A Respectful Workplace.

This workshop focuses on respectful working relationships as the basis for a respectful workplace. It is specifically designed to provide participants the skills necessary to choose respectful behavior when conflict occurs and thus avoid charges of discrimination and harassment. Lecture supplemented by video scenarios show the adverse effects of conflict on individuals who have to work together. These scenarios show acceptable and unacceptable behavior. OAA staff present the K-State policies that cover workplace behavior then lead group discussions concerning the reasons for the policies, identify resources for dispute resolution and explain the role of the OAA in addressing disrespectful, harassing and discriminatory behavior.

Peer Review Committee Orientation.

The Peer Review Committee (PRC) hears permanent classified employees' appeals of unsatisfactory performance evaluations and proposed disciplinary actions and dismissals for violations of K-State policies including discrimination, harassment and retaliation. OAA staff leads administrative review teams that investigate complaints and recommend disciplinary actions or dismissals. This training provides PRC members an understanding of how the teams investigate complaints and the factors the teams consider in recommending disciplinary actions or dismissals. The session includes K-State's definition of discrimination and harassment based on race, color, sex, national origin, religion, age, ancestry, military status, veteran status, sexual orientation, gender identity and disability.

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Dispute Resolution Group
Office of Affirmative Action Report
For October 1, 2007 to September 30, 2008

Advice, Consultation, and Referral

Issue	Contacts
Recruitment and Selection for Employment	57
Faculty Roles and Responsibilities	9
Faculty/Student Conflicts	5
Work Visa	11
Work Climate	21
Employment Equity	25
ADA	2
Gender Identity	2
Total	132

Informal Complaints

Issue	Contacts
Recruitment and Selection for Employment	2
Faculty Roles and Responsibilities	0
Faculty/Student Conflicts	1
Violence in Workplace	0
Work Climate	2
Policy/Procedure	0
Sexual Harassment	8
Retaliation	2
Discrimination	14
Total	29

Formal Complaints

Issue	Contacts
Retaliation	1
Failure to Provide EEO	0
Sexual Harassment	11
Discrimination	7
Total	19

Americans with Disabilities Act

Issue	Contacts
State ADA Reasonable Accommodation Grievance	1
Interactive Process	3
Total	4

- Recruitment and Selection for Employment: Callers felt that they were not given a fair chance to apply, fairly considered for an interview, or that an in house applicant was given preference.
- Faculty Roles and Responsibilities: callers felt that they were not given enough administrative support, overburdened, unfairly compensated, etc.
- Faculty/Student Conflicts: Callers felt that faculty was disrespectful of students, excessive assignments, unreasonable deadlines or objectionable class content.
- Work Culture: Many of these were related to communication issues either between management or co-workers.
- Policy/Procedure: Callers felt that the policy was being unfairly applied to them, or they were not aware of the policy/procedure.
- Employment Equity: callers asked procedural questions for changing titles, reclassifying positions, and/or adjusting salaries.
- ADA Advice: answering general questions or providing general information about the ADA.
- Gender Identity: Answering questions regarding the Governor's Executive Order and assisting faculty, staff, and students with compliance.