

EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PLAN (AAP)

for

**SAN JOSÉ STATE UNIVERSITY
One Washington Square
SAN JOSÉ, CA 95192
(408) 924-2250**

NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2024

PART I: AAP FOR MINORITIES AND WOMEN

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

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SAN JOSÉ STATE UNIVERSITY AAP

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PART I:

INTRODUCTION TO PARTS I AND II

BACKGROUND

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

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

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

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

APPLICABLE AFFIRMATIVE ACTION LAWS AND REGULATIONS

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

The Jobs for Veterans Act (JFVA), Public Law 107-288, effective December 1, 2003, increased

PROGRAM TERMINOLOGY

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

The comparison of incumbency to availability contained herein is required by Government

STATEMENT OF PURPOSE FOR PARTS I AND II

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

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

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

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

SAN JOSÉ STATE UNIVERSITY

PART I: AFFIRMATIVE ACTION PLAN FOR MINORITIES AND WOMEN

FOR

NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2024

PART I

AAP FOR MINORITIES AND WOMEN

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PART I: AAP FOR MINORITIES AND WOMEN

CHAPTER 1: ORGANIZATIONAL PROFILE

41 C.F.R. § 60-2.11

Workforce Analysis/Lines of Progression

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

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

For each job title, SAN JOSÉ STATE UNIVERSITY identified the total number of employees,

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

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

See the _____ for the listing of the job titles and the associated race and gender headcounts per job group.

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

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at SAN JOSÉ STATE UNIVERSITY for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and gender group could reasonably be expected to be represented in a job group if SAN JOSÉ STATE UNIVERSITY were to hire a sufficient number of persons to fill the job group.

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

See the _____ for the availability breakdown for each job group.

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

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

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

See the

for the results per job group.

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

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

4. Develop, implement, and maintain audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.

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

C

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

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

Action-Oriented Program:

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

Recruitment:

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

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

Position Descriptions/Selection Process:

1. Develop position descriptions that accurately reflect position functions and are consistent for the same position from one location to another.
2. Develop position descriptions that contain education, experience, and skill requirements that do not constitute inadvertent discrimination. Develop specifications that are free from bias with regard to age, race, color, religion, national origin, disability or veteran status.
3. Approved position descriptions will be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. University Personnel will continue to use only minimum qualifications that include job-related criteria.
5. University Personnel will continue to counsel all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate bias in all personnel actions. The committee members will participate in a bias training conducted by the Chief Diversity Officer or designee.
6. Faculty position descriptions should identify the essential qualifications for the position,

University website.

2. All employees are actively encouraged to participate in usage of facilities and University-sponsored social and recreational activities.
3. SAN JOSÉ STATE UNIVERSITY will continue to use our formal employee evaluation program. The performance evaluation/review is used for annual reviews for all employees.

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

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

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

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

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

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

PART II

AAP FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

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CHAPTER A: POLICY

as an employer in this community to provide job
ce, religion, color, national origin, sex, age, status as a
bility. SAN JOSÉ STATE UNIVERSITY's EEO
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o continually design and implement audit and reporting
; and the compliance of the AAP, identify the need for
s were attained, and determine if opportunities to
es were extended to all employees and applicants.

also committed to abiding with the Pay Transparency
or applicants who have inquired about, discussed, or (É)T (c)-1 n

CHAPTER B: REVIEW OF PERSONNEL PROCESSES
41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner that provides and promotes equal employment opportunity for all known protected veterans and employees and applicants with disabilities, reviews are periodically made of the University's examination and selection methods to identify barriers to employment, training, and promotion.

- 1) SAN JOSÉ STATE UNIVERSITY periodically conducts a review of its employment processes to ensure thorough and systematic consideration of the job qualifications of 1) known protected veteran applicants and employees; and 2) applicants and employees with disabilities for job vacancies filled either by external hiring or internal promotions/transfers, as well as for all training opportunities available. In order to determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known protected veterans and individuals with disabilities, both applicants and employees. In determining the qualifications of a protected veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
- 2) The University ensures that its personnel processes do not stereotype individuals with disabilities or protected veterans in a manner which limits their access to jobs for which they are qualified.
- 3) The University ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies.
- 4) The University provides reasonable accommodations, unless such accommodations will cause undue hardship to the University, to applicants and employees with disabilities to ensure that equal employment opportunities are extended in the operation of its personnel processes.
- 5) The University ensures that information and communications systems are accessible to all employees and applicants with disabilities even in the absence of a specific request for accommodation.

CHAPTER C: PHYSICAL AND MENTAL QUALIFICATIONS
41 C.F.R. §§ 60

CHAPTER D: REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS
41 C.F.R. §§ 60-300.44(d); 60-741.44(d)

SAN JOSÉ STATE UNIVERSITY will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities or who are disabled veterans unless it can demonstrate that the accommodations would impose an undue hardship on the operation of business. Such reasonable accommodations are implemented in the University's electronic and/or online application systems. The University ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the system, are provided equal opportunities to apply and be considered for all jobs. SAN JOSÉ STATE UNIVERSITY will confidentially review performance issues of employees with known disabilities to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 2) it is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following at any time to formally request an accommodation:

Name: Yazmin Perez

Title: Leave and Employment Accommodations Resource Center Manager

Phone: (408) 924-2155

Email: yazmin.perez@sjsu.edu

CHAPTER E: HARASSMENT
41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

SAN JOSÉ STATE UNIVERSITY has developed and implemented a set of procedures to ensure that its employees with disabilities and protected veterans are not harassed due to those conditions. A copy of the sexual harassment policy, which includes a section prohibiting harassment of individuals with disabilities or protected veterans, is available for distribution to new as well as existing employees.

**CHAPTER F: EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE
RECRUITMENT**

41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

Based upon the University's review of its personnel policies as described in Chapter B, the following activities will be implemented or continued to further enhance our affirmative action

CHAPTER G: INTERNAL DISSEMINATION OF POLICY
41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

In order to gain positive support and understanding for the affirmative action program for protected veterans and individuals with disabilities SAN JOSÉ STATE UNIVERSITY will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Senior Director, Employee Relations, Retention and Equal Opportunity. The following policies and procedures are designed to foster support and understanding from SAN JOSÉ STATE UNIVERSITY's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid SAN JOSÉ STATE UNIVERSITY in meeting its obligations.

- 1) Include the policy in the University's policy manual and other in-house publications.
- 2) Annual communication to executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the President's vision.
- 3) Schedule training sessions for all employees involved in recruiting, selection, promotion, and other related employment issues for protected veterans and individuals with disabilities.
- 4) Include non-discrimination clauses in all union agreements and review all contractual provisions to ensure they are non-discriminatory.
- 5) Include articles on accomplishments of protected veterans and workers with disabilities in University publications.
- 6) Post the policy on University bulletin boards, along with the University's harassment policy which includes protection from harassment on the basis of disability.
- 7) When employees are featured in employee handbooks or similar publications for employees, include employees with disabilities.

CHAPTER H: AUDIT AND REPORTING SYSTEM
41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

SAN JOSÉ STATE UNIVERSITY has developed and currently implements an audit and reporting system that addresses the following:

1. Measures the effectiveness of SAN JOSÉ STATE UNIVERSITY's overall Affirmative Action Program and whether the University is in compliance with specific obligations.
2. Indicates the need for remedial action.
3. Measures the degree to which SAN JOSÉ STATE UNIVERSITY's objectives are being met.
4. Our Employment Accommodations Resource Center (EARC) audits and reports on our progress concerning accommodations for any University sponsored education or training on campus for employees with disabilities. The EARC has in place the Accommodations Review Board (ARB) which assesses undue hurdles for individuals with disabilities and veterans. The ARB oversees all accommodation disputes. Information about the EARC is available at: www.sjsu.edu/earc/.
5. The Accessible Education Center (AEC) also states policy regarding accessibility to campus events, whether social or recreational. For a complete listing of Accessible Education Center policies regarding accommodations for students, please refer to: http://www.aec.sjsu.edu/about/policies_guidelines.htm.
6. SAN JOSÉ STATE UNIVERSITY has a committee that implements the Accessible Technology Initiative (ATI) which states that the campus will follow state and federal laws mandating access to technology as well as to ensure a culture of inclusive learning.

CHAPTER I: RESPONSIBILITY FOR IMPLEMENTATION
41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure equal employment opportunity to protected veterans and individuals with disabilities, SAN JOSÉ STATE UNIVERSITY has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the President, Senior Associate Vice President for University Personnel, Senior Director, Employee Relations, Retention and Equal Opportunity, and those employed as supervisors and managers have undertaken the responsibilities described below.

President

The President is responsible for providing top management support for the University's AAP. The President issues a memo annually to reaffirm the University's Equal Employment Opportunity Policy and to make known to all employees and applicants the commitment of Senior Management to EEO and affirmative action. Additional responsibilities include, but are not limited to:

- 1) Designating appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring the University's AAP. Eponsoring thath thehose person alg, a re

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- 4) Assisting line management in arriving at solutions to EEO/AA problems.
- 5) Reviewing results of audit and reporting systems to assess the effectiveness of the University's AA programs and to direct corrective actions where necessary.
- 6) Ensuring that the AAP is updated annually for all establishments.
- 7) Providing guidance to managers and supervisors in taking proper action to prevent employees from being harassed in any way, through one-on-one contact, training, and

- 1) Providing direction to the University's staff, as necessary, to carry out all actions required to meet the University's equal employment opportunity and affirmative action commitments.
- 2) Responsible for the design and effective implementation of the AAP at all establishments.
- 3) Developing, implementing, and maintaining audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will
 - a) Indicate need for remedial action.
 - b) Determine degree to which goals and objectives have been obtained.
- 4) Advising management in the modification and development of the University's policies to ensure the enhancement of equal employment opportunity for all staff and potential new staff within existing equal employment opportunity guidelines.

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programs of local organizations for protected veterans and individuals with disabilities.

- 13) Keeping management informed of the latest developments in the equal employment opportunity area.
- 14) Reviewing, reporting on, and updating the AAP annually in accordance with stated policy. Informing employees and applicants of significant changes.
- 15) Working closely with the Senior Associate Vice President for University Personnel and department managers and supervisors in coordinating the effective implementation of all identified affirmative actions.
- 16) Assisting in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.
- 17) Responsible for ensuring overall the University's compliance with the AAP.

Managers and Supervisors

In their direct day-to-day contact with the University's employees, managers and supervisors have assumed certain responsibilities to help SAN JOSÉ STATE UNIVERSITY ensure compliance with equal employment opportunity programs and effective implementation of the AAP. These include, but are not limited to the following:

- 1) Aggressively adhering to the University's equal employment opportunity policy.
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- 8) Assisting in identifying problem areas and providing needed information for establishing and meeting department affirmative action goals and objectives.
- 9) Seeking and sharing information on possible accommodations which have been or could be made for known disabilities.

CHAPTER L: COMPENSATION
41 C.F.R. §§ 60-300.21(i); 60-741.21(i)

It is the policy of SAN JOSÉ STATE UNIVERSITY that when offering employment or promotion to protected veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.

SAN JOSÉ STATE UNIVERSITY is also committed to abiding with the Pay Transparency Nondiscrimination Provisions. Employees or applicants who have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant will not be discharged or in any other manner be discriminated against. Employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with SAN JOSÉ STATE UNIVERSITY's legal duty to furnish the information.