Affirmative Action Plan

Veterans and Individuals with Disabilities

Duke University

and

Duke University Health System

This document is available in alternative formats upon request.

Prepared by the Office for Institutional Equity

January 2015

Contact: Inderdeep Chatrath, Ph.D.
### Abbreviations Used in this Document

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<tr>
<td>ADAAA</td>
<td>ADA Amendments Act</td>
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<td>CCTV</td>
<td>Closed-circuit television</td>
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<td>CFR</td>
<td>Code of Federal Regulations</td>
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<td>DMS</td>
<td>Disability Management System</td>
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<td>DOJ</td>
<td>Department of Justice</td>
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<td>DOL</td>
<td>Department of Labor</td>
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<tr>
<td>E&amp;O</td>
<td>Engineering and Operations</td>
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<tr>
<td>EEOC</td>
<td>Equal Employment Opportunity Commission</td>
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<td>EOHW</td>
<td>Employee Occupational Health and Wellness</td>
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<td>FMD</td>
<td>Facilities Management Department</td>
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<td>HR</td>
<td>Human Resources</td>
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<td>JAN</td>
<td>Job Accommodation Network</td>
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<td>JVA</td>
<td>Jobs for Veterans Act</td>
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<td>OCR</td>
<td>Office for Civil Rights</td>
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<td>OESO</td>
<td>Occupational and Environmental Safety Office</td>
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<td>OFCCP</td>
<td>Office of Federal Contract Compliance Programs</td>
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<td>OIE</td>
<td>Office for Institutional Equity</td>
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<td>PRMO</td>
<td>Patient Revenue Management Organization</td>
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<td>RAP</td>
<td>Reasonable Accommodation Process</td>
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<tr>
<td>TTY</td>
<td>Text Telephone</td>
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<tr>
<td>USERRA</td>
<td>Uniformed Services Employment and Reemployment Rights Act</td>
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<tr>
<td>VEVRAA</td>
<td>Vietnam-Era Veterans' Readjustment Assistance Act</td>
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FOREWORD

January 2015

Everyone at Duke should promote the effort to actualize the value of diversity, and share in the responsibility for ensuring equal access and opportunity for all who seek education, employment, professional growth and development. Diversity is integral to our educational and healthcare mission at Duke. The 2015 Affirmative Action program articulates institutional values and establishes Duke’s commitment to compliance with relevant federal regulations.

An affirmative action program is a management tool designed to guide the University’s efforts toward a more inclusive and diverse workplace. Duke’s Affirmative Action Plan for Veterans and Individuals with Disabilities meets the regulatory obligations and also represents the University’s goals and ideals to recruit and advance qualified veterans and persons with disabilities.

I hope you will use this document as a resource to review our current status, highlight areas of particular opportunity, and examine the illustrations of organizational best practices. The 2015 Plan can help you identify and implement strategies to promote our institutional growth and further our goal to create a diverse and successful organization.

Benjamin D. Reese, Jr., PsyD
Vice President
February 2015

To: Duke University and Duke University Health System Staff

From: Richard H. Brodhead and William J. Fulkerson

Re: 2015 Affirmative Action Plan

Duke University and Duke University Health System are committed to affirmative action and fair employment. In our classrooms, clinics, offices and other workplaces, we believe in giving everyone the opportunity to succeed. Our commitment to principles of fairness and respect for all creates a climate that is favorable to the free and open exchange of ideas. We know that our differences are a source of strength that help foster new opportunities in education, research and patient care.

Each year we prepare and maintain an Affirmative Action Plan (AAP) in accordance with federal regulations. The process of completing this plan gives us an opportunity to review our institutional policies and shine light onto areas where we have room for improvement in making our commitment to diversity come alive.

Since the adoption of Duke's first affirmative action plan in 1970, we have made great progress toward making our community an inclusive one. However, there is still work to be done. We ask you to review this year's AAP carefully, giving particular attention to issues that affect your area of responsibility. Share the plan with your staff and encourage them to use the information as a tool to develop strategies for addressing equity and diversity issues. Our commitment to diversity is a fundamental principle of this university's mission, and to realize its full benefit, we all must make it our own personal commitment as well.

Thank you.
Administration of the Affirmative Action Program

Senior administrative staff are responsible for consistent and effective implementation of the Program at their respective establishments.

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and Chief Diversity Officer
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Purpose and Application

An affirmative action program is a set of positive steps that employers use to promote equal employment opportunity and to eliminate unlawful discrimination. It includes expanded outreach, recruitment, mentoring, training, management development, and other programs designed to help employers hire, retain, and advance qualified workers from diverse backgrounds, veterans, and persons with disabilities.


Reporting requirements under VEVRAA require federal contractors to submit an annual Federal Contractor Veterans’ Employment Report (VETS-4212) indicating the number of protected veterans employed and hired during each year.

Duke University’s Plan for Veterans and Individuals with Disabilities is prepared in accordance with compliance requirements as set forth in 41 CFR Chapters 60-300.40 through 60-300.44 and 250, 60-300 and 41 CFR Chapters 60-741.40 through 60-741.44, respectively. The Plan is widely distributed and available for review by either contacting the Office for Institutional Equity or on the Office website. A copy of the Plan is also submitted to the Reference Section of the University Library. The contents of the Plan are shared with managers and other administrators during training sessions.

Laws and Regulations

1973 Rehabilitation Act of 1973, as amended

Section 503 of the Rehabilitation Act of 1973 prohibits discrimination and requires employers with federal contracts or subcontracts that exceed $10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities. All covered contractors and subcontractors must also include a specific equal opportunity clause in each of their nonexempt contracts and subcontracts.

1974 Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA)

This Act prohibits supply, service and construction contractors and subcontractors from discriminating in employment against veterans. It also requires that these contractors take affirmative action to employ and advance veterans. Despite its name, this statute is no longer limited to veterans from the Vietnam Era. It includes 1) disabled veterans, 2) Armed Forces service medal veterans, 3) recently separated veterans, and 4) other protected veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized. New veterans’ categories and definitions were implemented as a result of rules changes (CFR Parts 60-250 and 60-300). For purposes of collecting and reporting, these will be aggregated under the category of protected veterans. These categories are defined in Appendix A.
1990  **Americans with Disabilities Act (ADA)**

The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability. Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity."

The Office of Federal Contract Compliance Programs (OFCCP) has had coordinating authority under Title I of the Americans with Disabilities Act (ADA), which prohibits job discrimination against qualified individuals with disabilities by employers with 15 or more employees. The Equal Employment Opportunity Commission (EEOC) has primary authority for enforcing the ADA.

1994  **Uniformed Services Employment and Reemployment Rights Act (USERRA)**

Uniformed Services Employment and Reemployment Rights Act clarifies and strengthens the Veterans’ Reemployment Rights Statute. USERRA is intended to minimize the disadvantages to an individual that occur when that person needs to be absent from civilian employment to serve in the military.

2002  **Jobs for Veterans Act (JVA)**

Jobs for Veterans Act added to VEVRAA requires employers with federal contracts of $100,000 or more to provide equal opportunity and affirmative action for recently separated veterans (extending coverage from one year to three years), all disabled veterans, veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, or any other veteran who served on active duty and received an Armed Forces service medal pursuant to Executive Order 12985 (61 FR 1209).

2008  **Americans with Disabilities Act Amendments Act (ADAAA)**

The Americans with Disabilities Act Amendments Act of 2008 amends both the ADA and the Rehabilitation Act (Section 504) in a manner that significantly expands disability protection for students, employees and the public at large diagnosed with a physical or mental impairment. Congress significantly expanded what constitutes a major life activity and conveyed its disagreement with judicial interpretation of the phrase “substantially limits.”

The ADAAA also expanded the previously existing definition of major life activities with the following additions: eating, sleeping, standing, lifting, reading, bending, concentrating, thinking, communicating, and the operation of a major bodily function. In addition, it precluded an organization from considering the impact of “mitigating measures” such as hearing aids, other technology, reasonable accommodations, learned behavior or adaptive neurological modifications or other such interventions – with the exception of ordinary eyeglasses or contact lenses – in determining whether an individual’s impairment is covered by the ADAAA. It also requires an impairment that is episodic or in remission to be considered a disability if it would substantially limit a major life activity when active.
2013  Final Rules for Veterans and Individuals with Disabilities

On September 24, 2013, the U.S. Department of Labor’s Office of Federal Contract Compliance Programs published a Final Rule that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR Part 60-741. These new regulations became effective on March 24, 2014. The Final Rule strengthen and expand federal contractor’s obligations to recruit, train, hire and promote protected veterans and individuals with disabilities. The Final Rule also establishes an 8% hiring benchmark for Veterans and a 7% utilization goal for individuals with disabilities. There are also expanded data collection, reporting and auditing obligations. Highlights of the Final Rule are presented in the Monitoring and Reporting section of this document.

Enforcement and Compliance

The Office of Federal Contract Compliance Programs (OFCCP), an agency of the Department of Labor (DOL), monitors contractor and subcontractor compliance with the nondiscrimination and affirmative action provisions. OFCCP investigates the employment practices of government contractors by conducting compliance reviews. During a compliance review, the compliance officer checks personnel, payroll, and other employment records, interviews employees and company officials, and investigates virtually all aspects of employment. Part of the investigation includes a review of special efforts to achieve equal opportunity through affirmative action.

The Equal Employment Opportunity Commission (EEOC) investigates discrimination and harassment complaints on an individual level. The EEOC works closely with the DOL and the OFCCP to ensure consistency in the Federal government’s effort to prevent workplace discrimination. Based on findings from individual investigations, the EEOC may also analyze employment patterns such as the representation of female and minority employees within companies, industries, and regions.

The Office for Civil Rights (OCR) enforces several Federal laws that prohibit discrimination and unfair treatment in programs or activities because of race, color, national origin, disability, age, gender, or religion. Federal laws also provide conscience protections for health care providers that receive federal financial assistance from the Department of Education. OCR investigates civil rights, health information privacy, and patient safety confidentiality complaints to find out if there is discrimination or violation of the law and takes action to correct problems.

Individuals who believe that they have been treated unfairly are encouraged to seek resolution within the scope of the Duke University grievance process. The Grievance Procedure is described on page 25. Individuals may also file a complaint with external agencies, such as the OCR or EEOC. While employees are not required to access the Duke University grievance resolution process before filing a complaint with an external agency, employees are encouraged to access and fully explore Duke University’s internal grievance process. Retaliation against an employee who brings forth a concern or a complaint is prohibited by Duke University policy and is also unlawful.
Equal Employment Opportunity Policy

Duke University is committed to encouraging and sustaining work and learning environments that are free from harassment and prohibited discrimination. The University prohibits discrimination and harassment in the administration of both its employment and educational policies. Equal employment and educational opportunities are provided without regard to race, color, sex, religion, national origin, disability, veteran status, sexual orientation, gender identity, age or genetic information. Duke University also makes good faith efforts to recruit, hire and promote qualified women, minorities, individuals with disabilities, and veterans.

In addition to the Equal Employment Opportunity Policy, specific policies and procedures are in place to address concerns of perceived discrimination and harassment.

In accordance with Title IX of the Education Amendments of 1972, Duke University prohibits discrimination on the basis of sex. Sexual harassment is a form of sex discrimination. The Director of Title IX Compliance in the Office for Institutional Equity oversees Duke University’s programs and practices to achieve Title IX compliance.

Commitment to Equal Opportunity

Duke University is an institution and community committed to the principles of excellence, fairness, and respect for all people. As part of this commitment, we actively value diversity in our workplace and seek to take advantage of the rich backgrounds and abilities of everyone. Our equal opportunity policy affirmatively protects all faculty, staff, and applicants, ensuring that employment decisions are based on individual merit, as opposed to stereotypes and biases. Duke’s Policy applies to recruitment, hiring, appointment, and promotion for all positions. It also governs personnel actions such as determining compensation, layoffs, terminations, and benefits.

Providing equal protection in employment is only one aspect of achieving diversity at Duke. Because a variety of social and historical barriers have limited access to employment and advancement of certain groups in the past, we make special efforts to identify, recruit, hire, and promote qualified people who are traditionally underrepresented in our workforce.

Duke University’s equal opportunity policy is an important part of compliance with federal and state laws and regulations. More importantly, this policy guides us in our institutional commitment to diversity and fairness, and guarantees that every employee is welcome and free to contribute his or her talents to help Duke achieve excellence in all our endeavors.

Dissemination

The equal opportunity policy is distributed to all members of the University community. Copies are provided to new employees at orientation sessions and to union officials representing University employees. Copies are also posted on bulletin boards throughout the University. The statement is published in the Duke University Human Resource Policy Manual, the Faculty Handbook, and the Staff Handbook. The policy is discussed in management training programs, and is described in various literature distributed by the University. Nondiscrimination clauses are included in all union agreements and all such contractual provisions are reviewed to ensure that they are nondiscriminatory.
Pursuant to regulations, all University purchase orders, leases, and contracts incorporate the following equal opportunity clause setting forth the University’s expectations.

_The Contractor hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and the Executive Order 11246, dated September 24, 1965, and as amended by Executive Order 11375, is incorporated by reference Pub. L. 95-507 including flow-down clause requirements concerning small business is included by reference. In addition, contractors shall provide, if necessary, assurance of compliance with provisions of Section 504 of the Rehabilitation Act of 1973 (Pub. L. 92-318), Title IX of the Education Amendments of 1972 (Pub. L. 92-318), and the Age Discrimination Act of 1975 (Pub. L. 94-135)._ 

_The Contractor and subcontractor shall abide by the requirements of 41CFR 60-300.5(A) and 60-741.5(A). These regulations prohibit discrimination against qualified protected veterans and individuals on the basis of disability, and require affirmative action by covered prime Contractors and Subcontracts to employ and advance in employment qualified protected veterans and individuals with disabilities._

Publications and other University materials represent both minority and nonminority men and women and persons with disabilities. Recruiting advertisements state that the University is an Equal Opportunity/Affirmative Action Employer. An expanded statement to convey Duke University’s commitment to diversity and inclusion is included in documents and position announcements. All job announcements include the following EEO statement: _Duke University is an Affirmative Action/Equal Opportunity Employer committed to providing employment opportunity without regard to an individual’s race, color, religion, age, gender, gender identity, sexual orientation, national origin, genetic information, veteran status, or disability._

The OFCCP "Equal Employment Opportunity is the Law" and other Federal and State labor law notices, in English and Spanish are prominently posted at multiple locations, where they can be readily seen by employees and applicants around the University and the Health System. Five of the locations display the required posters and Duke University policy notices in a locked bulletin board.

All locations are inspected by the Office for Institutional Equity at least once a year. Department managers are supported in acquiring the posters and in communicating with the staff regarding the regulations, employee rights and process for bringing forth workplace concerns. See Appendix G for a photograph of Federal and State notices.

**Implementation**

Every member of the Duke University community is encouraged to participate wholeheartedly in the effort to ensure not only that our workplace is free from unlawful and unconscionable discrimination and harassment, but also that we respect and celebrate diversity. Because managers and supervisors make so many personnel decisions, they have particular responsibility for achieving our institutional equal opportunity goals.

The Office for Institutional Equity implements and monitors the policy throughout the University and the Duke University Health System. The Office prepares and annually updates Affirmative Action Plans, reviews employee recruitment, hiring, and other personnel activities, and provides technical advice and training to members of the University community.
Under the auspices of the President, the Office for Institutional Equity provides institutional leadership in enhancing respectful, diverse and inclusive work and learning environments for the Duke community. Programs provide a range of services that uphold values of equity and diversity, as well as support compliance efforts in the areas of equal opportunity, affirmative action and harassment prevention.

The Office for Institutional Equity is responsible for developing and overseeing the implementation of the Affirmative Action Plan. The Office provides guidance and assistance to administrators and faculty across all management entities in complying with the legal requirements and enhancing workplace climate and experience of veterans and individuals with disabilities.

**Enforcement**

As Chief Executive Officer of the University, the President has the legal responsibility for compliance with the Equal Opportunity Policy and regulations pertaining to affirmative action programs. The Provost, the Chancellor for Health Affairs, Vice Presidents, and other senior officers are all responsible to the President for implementing the Equal Opportunity Policy within their administrative areas. Deans, directors, chairpersons, and managers of the various schools, departments, and programs all work to administer and manage personnel activities within their areas to ensure full implementation of the Policy.

The Office for Institutional Equity has the responsibility for addressing all violations of the equal opportunity policy, including allegations of discrimination and harassment. The Vice President for Institutional Equity and office staff, are responsible for implementing, monitoring, and administering the Affirmative Action Programs at Duke University.

The Disability Management System (DMS) provides leadership to the University and Health System efforts to ensure an accessible hospitable working and learning environment for people with disabilities while ensuring compliance with federal and state regulations. DMS staff serve as a centralized clearinghouse on disability-related information, procedures and services. The Program Director for Employment and Public Reasonable Accommodations facilitates an interactive process with applicants and employees with disabilities to effectively explore necessary reasonable accommodations. The directors for the Equal Opportunity/Affirmative Action Programs and the Disability Management System directly oversee the implementation of the programs and work in collaboration with Duke Human Resources, to ensure the following:

- Development and implementation of policies and procedures, affirmative action programs, and internal and external communication strategies pertaining to initiatives for veterans and people with disabilities;
- Identification of problem areas in the implementation of the affirmative action program and formulation of strategies to address issues that are identified;
- Design and implementation of audit and reporting systems;
- Sustaining liaison relationships with external organizations that support veterans and individuals with disabilities; and
- Dissemination of information and continuous discussions with managers and supervisors regarding outreach, current affirmative action trends, and legislative actions.
Policies and Procedures

The University continues to further develop and utilize procedures and practices necessary for implementation of its Affirmative Action Program for Veterans and Individuals with Disabilities. For those covered under this plan, the Disability Management System collaborates with Duke Human Resources to determine if its employment procedures include careful, thorough, and systematic consideration of the skills and qualifications of applicants and employees, for decisions regarding hiring, promotion, participation in training opportunities, and other personnel actions.

Disability Management System

The Disability Management System office at Duke University offers leadership and provides resources for institutional management of services for persons with disabilities. These services include:

- Employment and public accommodations;
- Facilities standards and guidelines;
- Event planning;
- Assistive technology and equipment;
- Web accessibility guidelines.

Additional information is available at www.access.duke.edu.

Recruitment

Employment opportunities are posted on the Duke Human Resources website. Links to the job postings are provided to the agencies including North Carolina Division of Employment Security and organizations that serve veterans and individuals with disabilities.

Duke University has developed a collaborative relationship with the Division of Employment Security, Career Centers (formerly JobLink), North Carolina Blind and Visual Services, State of North Carolina Department of Health and Human Services, Veterans Administration Hospital, and Division of Services for the Deaf and the Hard of Hearing. These collaborations reaffirm the University’s commitment to effectively seek out potential applicants and support employees with disabilities. Training sessions are regularly offered for HR recruitment staff to reinforce the University’s policy and procedures.

All job listings and announcements for faculty and staff positions include the following statement:

Duke University is an Affirmative Action/Equal Opportunity Employer committed to providing employment opportunity without regard to an individual’s race, color, religion, age, gender, gender identity, sexual orientation, national origin, genetic information, veteran status, or disability.

Job descriptions for staff positions include a statement regarding essential physical and mental requirements for selected positions to indicate job relatedness and business necessity for job function. The statement reads, “Certain jobs at Duke University and Duke University Health System may include essential job functions that require specific physical and/or mental abilities. Additional information and provision for requests for reasonable accommodation will be provided by each hiring department”.

Duke Recruitment staff has significantly increased its direct recruitment efforts for veterans through participation in military job fairs several times throughout the year at Ft. Bragg and the NC
National Guard. Participation included presentations to groups and individual appointments. Information on the Jobs at Duke website provides guidance for resume writing and the application process for all applicants. Specific on-line and in-person guidance is provided for veterans and persons with disabilities.

University guidelines for employment of individuals with disabilities include, but are not limited to, the following:

- Each employing unit must consider an applicant with regard to the essential elements of the job necessary to performing the job competently, with or without reasonable accommodation;
- An individual with a disability who cannot perform the essential functions of the job, with or without reasonable accommodation, is not qualified;
- Applicants for all positions must be given the opportunity to request reasonable accommodations in order to access to the employment application process;
- Any determination of disability status is made in accordance with the affirmative action obligations of the University and follows the process for requesting exploration of possible coverage and reasonable accommodations;
- The Office of Human Resources and the Disability Management System provide assistance in facilitating the reasonable accommodations process.

**Staff Training**

Administrators, managers, and supervisors with responsibilities for hiring, transfer, promotion and managing all other personnel functions receive training on applicable federal and state employment law, Duke University policy and procedures, and provisions of the affirmative action practices for veterans and individuals with disabilities. Affirmative Action and Equal Opportunity best practices are reviewed regularly and guidance is offered in group settings and on a case-by-case basis. Examples of training topics include: accessible publication tips, alternate format verbiage suggestions, use of electronic media and website accessibility tips, determining essential functions for a vacant position, and resources available at external agencies and at Duke. Guidance is offered to prepare managers to effectively communicate with people who have known disabilities. In the spring of 2015, a mandatory on-line training module will be implemented for all managers, supervisors and other administrators with personnel responsibilities. Compliance will be tracked electronically with a rigorous follow-up to ensure full compliance.

**Medical Examinations and Pre-employment Inquiries**

In accordance with the Americans with Disabilities Act (ADA), the University neither requires medical examinations nor makes inquiries as to whether an applicant is an individual with a disability or as to the nature or severity of such disability prior to an employment offer. However, the regulations allow pre-employment inquiries regarding the ability of an applicant to perform job-related functions.

For selected positions, the University administers placement health reviews following an offer of employment. Such health reviews are classification-specific, as defined by Employee Occupational Health and Wellness (EOHW) and the Occupational and Environmental Safety Office (OESO), and are designed to ensure that qualifications are job-related, consistent with business necessity, ensure safe
performance of the job, comply with regulatory requirements, limit health risk to patients, students, staff, and work products, and minimize the University’s exposure to liability. All medical records are maintained at EOHW; information is kept confidential and is not shared with managers. Managers receive notification that indicate ‘acceptable for placement,’ ‘not acceptable for placement,’ or ‘acceptable with restrictions’ that may initiate the Reasonable Accommodation process.

In addition to placement health reviews, periodic health reviews are conducted for incumbent employees in selected jobs, and on a case-by-case basis. Guidelines for health reviews vary by the nature of, and risk factors related to, the job. Fitness for Duty evaluations are conducted to assure work safety.

**Confidentiality**

The University complies with Title I Regulations 1630.13 and 1630.14 regarding prohibited medical examinations and inquiries. Information concerning a disability or medical history of an employee is accorded the same confidentiality as medical records. Consistent with the University’s obligation, such information is collected, maintained, and filed in separate and secure locations. Medical information may be disclosed under the following conditions:

- First aid and safety personnel providing emergency treatment to employees with a disability or related medical condition;
- Authorized representatives of government agencies and other agencies who may be conducting compliance reviews or investigating alleged complaints;
- Supervisors on an as-needed basis to facilitate accommodations.

**Compensation and Benefits**

University policy does not allow for the reduction of compensation (offered for a position) for persons receiving veterans’ benefits, disability income, pension or other benefit an employee may receive from other sources.

**Invitation to Self-Identify**

The University is committed to offering equal opportunity to its employees and applicants without regard to disability or veteran status. This policy applies to all employment transactions including but not limited to recruitment, promotions, and professional development opportunities. Personnel policies and practices are regularly reviewed to ensure that veterans and individuals with disabilities are afforded careful consideration for all jobs for which they qualify.

All applicants for faculty and staff positions, and current employees, are invited to declare their veteran and/or disability status in both the pre- and post-offer phases of the employment process. Submission of such information is voluntary. Self-identification forms for veterans and individuals with disabilities are in Appendix F. This information is kept confidential, except as provided by law. An online system provides an opportunity for both applicants and current staff to confidentially self-identify by accessing their personal record.
Employees may self-identify or discuss their status as a veteran by contacting Duke Human Resources. Employees may also self-identify as having a disability or request an accommodation by contacting the Disability Management System office.

**Reasonable Accommodation Process**

**Purpose**

The Reasonable Accommodation Process (RAP) is a consistent procedure to explore possible workplace accommodations for Duke University and Duke University Health System staff members. A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by staff without disabilities. For example, a reasonable accommodation may include:

- Acquiring or modifying equipment or devices;
- Job restructuring;
- Modified work schedules;
- Reassignment to a vacant position;
- Adjusting or modifying examinations, training materials, or policies;
- Providing readers and interpreters and making the workplace readily accessible to and usable by people with disabilities.

**Scope of the Process**

Following the guidelines established by Title I of the ADA and ADA Amendments Act of 2008, it is not necessary to provide an accommodation if doing so would cause an undue hardship; e.g., by being unduly costly, extensive, substantial, disruptive, or by fundamentally altering the nature or operation of the department or unit. Some temporary jobs become available on short notice and last only a brief period of time, during which certain tasks must be completed. In such cases, undue hardship may apply since the position vacancy has to be filled on short notice and the accommodation cannot be provided quickly enough to enable a temporary employee to begin or complete the temporary work assignment in a timely manner. ([EEOC Enforcement Guidance: Application of the ADA to Contingent Workers Placed by Temporary Agencies and Other Staffing Firms.](#))

Title I also permits the University to require that an individual not pose a direct threat to the health or safety of the individual or others in the workplace. A “direct threat” means a significant risk of substantial harm. Determination that a staff member who has initiated the Reasonable Accommodation Process poses a direct threat is made through Employee Occupational Health and Wellness or other qualified personnel.

Additionally, temporary, non-chronic impairments of short duration, with little or no long term of permanent impact, are usually not disabilities. Such impairments may include but are not limited to broken limbs, sprained joints, appendicitis, and influenza.
The Process

The Reasonable Accommodation Process (RAP), following the guidelines established by Title I of the ADA and ADA Amendments Act of 2008, is a collaborative and interactive process among the staff member, the manager/supervisor/department head, the Program Director, Employment and Public Reasonable Accommodations, Employee Occupational Health and Wellness, and other appropriate personnel.

When the staff member with an impairment requests an accommodation to assist in the performance of a job, the manager/supervisor/department head should provide the staff member with a copy of the Reasonable Accommodations Request Form.

The staff member is then responsible for the following:

- Forwarding the completed Reasonable Accommodation Request Form to the Program Director, Employment and Public Reasonable Accommodations. (Any copies of the Reasonable Accommodation Request Form kept within the department should be maintained in a separate secure file, away from the personnel file.);
- Forwarding the Healthcare Provider Medical Information Request form and all pertinent medical and/or psychological documentation regarding his/her impairment to medical personnel at Employee/Occupational Health and Wellness;
- Employee Occupational Health and Wellness may need to contact appropriate healthcare providers to determine if the staff member meets the definitional requirements of a disability under ADA and, if so, to identify any functional limitations related to the job.

The Program Director of Employment and Public Reasonable Accommodations explore possible accommodations with appropriate resources which may include but not be limited to the Job Accommodation Network. Possible accommodations are reviewed with the manager, supervisor or department head before a final offer of reasonable accommodations is made to the staff member.

Assistive Technology

The Office of Disability Management Systems maintains an Assistive Technology Laboratory and Lending Library for individuals who are blind or have visual disabilities, are deaf or hard of hearing, and have mobility impairments, as well as other disabilities. Examples of devices and equipment available to employees include: refreshable brailler, JAWS V12, Zoomtext, Dragon Naturally Speaking V11, Notification Systems, Assistive Listening Devices, CCTVs, Kurzweil 3000, MAC SPEECH SOFTWARE, Microcassette Dictating/Transcribing System, Read & Write V6, Digital Voice Recorder, talking book players, TTYs, tape recorders for the blind, and wheelchairs. Expertise of assistive technology specialists and rehabilitation engineers are utilized as needed to ensure effective reasonable accommodations.

If the staff member is dissatisfied with the reasonable accommodations offered, he/she may contact the Office for Institutional Equity at (919) 684-8222. Questions/comments related to the Reasonable Accommodation Process should be referred to the Program Director, Employment and Public Reasonable Accommodations.
**Duke Publications**

Duke University’s commitment to diversity is communicated in institutional publications and advertisements indicating the value of recruiting and retaining individuals with diverse backgrounds, including veterans and people with disabilities. Where applicable, university publications contain an alternative format statement, pictures of both minority and non-minority men and women, and persons with disabilities. Recruiting advertisements state that the University is an Equal Opportunity/Affirmative Action Employer. In addition, individual entities have formulated statements that go beyond the minimal requirements to express the value of diversity and inclusiveness and to invite individuals with diverse backgrounds to consider employment at Duke University.
Monitoring and Reporting

The Office for Institutional Equity (OIE) monitors applicant and employee data for individuals who have self-identified as a Veteran and/or having a disability. The Disability Management System maintains data on individuals who have indicated the need for reasonable accommodations. The University retains all records relating to employment decisions for a period of three years from the date the record was made, or the date of the selection decision, whichever occurs first. These records may include but are not limited to: job descriptions, job postings and advertisements, applications and resumes, interview notes, tests and test results, written employment policies and procedures, records pertaining to hiring, assignment, promotion, demotion, transfer, layoff, termination, compensation, personnel files, and requests for accommodation. Pursuant to regulations, OIE submits an annual report, VETS-4212, to the Veterans’ Employment and Training Service, United States Department of Labor, documenting the representation of protected veterans in the University workforce.

Overview

In accordance with 41 C.F.R. § 60-2.17(d): Internal Audit and Reporting System requirements, Duke has developed a systematic and comprehensive approach to measure the effectiveness of affirmative action programs and initiatives by implementing several processes to regularly compile, analyze and report data. In addition to the regulatory compliance obligations, commitment to diversity and equity drives our monitoring efforts.

We are currently formalizing a process for documenting and monitoring our outreach efforts. In 2015, an annual evaluation plan of our outreach and recruitment efforts will be implemented followed by necessary follow-up efforts to achieve affirmative action objectives. All records will be retained for a minimum of a three year period. Institutional Audit and Reporting system will include the measure of program effectiveness, and progress towards meeting regulatory obligations and institutional goals of diversity and equity. All personnel records will be audited to examine the effectiveness of Duke University’s program for veteran and individual with disabilities has met its objectives, including utilization analyses and benchmarks.

Offices for Institutional Equity and Human Resources are responsible for monitoring and auditing functions at the institutional level. Pursuant to Final Regulations issued by the Office of Federal Contract Compliance Programs (CFR Parts 60-250 and 60-300), data collection, reporting and auditing obligations for veterans and individuals with disability will be included in the systematic review process.

Primary reporting and monitoring procedures consist of the following:

- Maintain accurate and complete records of hiring and personnel activity including applicant flow data, transfers, promotions, terminations, and compensation at all levels of the organization;
- Review all selection decisions related to employment and personnel matters to ensure that all members of the community have equal opportunity to participate;
- Prepare reports and conduct analyses for purposes of recordkeeping and examining compliance with equal employment opportunity and organizational objectives related to diversity;
- Review reports and analyses with administrators at key levels of management;
- Advise senior leadership of program effectiveness and make recommendations to improve performance, where necessary;
- Continuously monitor progress toward established placement goals (to alleviate underutilization) by providing feedback to hiring officials and offering assistance and resources to managers;
- The Office for Institutional Equity carefully monitors the hiring process for regulatory and equity considerations. Consultation and guidance are offered to both recruiters and hiring managers. Reviews are initiated in areas identified as needing improvement.

Analysis and Reporting

Pursuant to 41 C.F.R. § 60-50.2(b), a federal contractor must review its employment practices to determine whether members of various religious, ethnic, and other groups are receiving fair considerations for employment. To evaluate employment discrimination cases, federal agencies and courts use the Uniform Guidelines on Employee Selection Procedures (41 C.F.R. § 60-3.) The Guidelines also offer guidance on adverse impact analysis techniques and interpretations.

At Duke University, adverse impact analysis is undertaken annually. Applicants and staff who identify as veterans and individuals with disability will be included in analyses, as the data collection process yields sufficient numbers for adequate analyses.

Self-Assessment is conducted periodically to examine patterns, trends and effectiveness of institutional policies and practices. Periodic reports are issued, setting forth analyses of workforce demographics and trends in personnel activity. These reports are available upon request from the Office for Institutional Equity.
The following table describes the key elements of the Final Rule. The information has been widely shared with administrators and managers who are responsible for implementing the regulations.

**Final Rules – Key Elements of Section 503 and VEVRAA**

<table>
<thead>
<tr>
<th><strong>Utilization Goals:</strong> establishes a nationwide 7% goal for qualified individuals with disabilities (IWD)</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Hiring Benchmarks:</strong> annual hiring benchmark, currently 8% of the workforce</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Data Collection:</strong> document and update annually several quantitative comparisons</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Invitation to Self-Identify:</strong> identify as an individual with a disability or a protected veteran in pre- and post-offer application process</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th><strong>Incorporation of EO Clause:</strong> specific language to be used in EO clause of subcontracts</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Records Access:</strong> clarifies requirements to allow for documents related to compliance review, on or off site</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>ADA Amendments Act:</strong> implements changes required by the Act; revises the definition of “disability”</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

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<tr>
<th><strong>Job Listings:</strong> data to be provided in a manner and format compatible with State or local job service</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Rescission of CFR Part 60-250:</strong> outdated rules were rescinded</th>
<th>Section 503</th>
<th>VEVRAA</th>
</tr>
</thead>
</table>

**Grievance Procedure**

The University has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination based on disability.

Complaints alleging discrimination based on disability may be addressed to the Office for Institutional Equity. A complaint must be submitted in writing or alternative format, including the name and address of the complainant, and a description of the allegations of discrimination. The complainant must set forth specific facts in support of the allegation(s).

- A complaint must be filed within sixty (60) days of the alleged discrimination;
- An investigation, as may be appropriate, shall be conducted by OIE, following receipt of a discrimination complaint. This procedure affords the complainant and the person(s) against whom the allegation(s) of discrimination have been made and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations;
The investigation will be completed with written results of the investigation issued and a copy forwarded to the complainant within forty-five (45) workdays of the receipt of the complaint;

The complainant may appeal the findings of an investigation by submitting a written document to the Vice-President, Office for Institutional Equity. An appeal shall only be considered if the complainant specifies with particularity irregularities in the process or procedure, the correction of which would likely change the outcome of the determination of an investigation. The appeal must either be postmarked or received within fourteen (14) days of the date of the determination. The Vice-President will make a final determination and inform the complainant within fourteen (14) workdays of the Vice-President’s receipt of the appeal;

Although the University will make every effort to comply with these timelines, circumstances such as school breaks may justify an extension of time;

Retaliation against any person who files a complaint of alleged discrimination, participates in an investigation, or opposes a discriminatory employment or education practice or policy is prohibited under University policy, and by state and federal law.

Complaints may also be filed with external agencies, the Office of Federal Contract Compliance Programs (OFCCP), Office for Civil Rights (OCR), and the Equal Employment Opportunity Commission (EEOC), in accordance with the guidelines set forth by those agencies.
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Appendix A: Glossary of Terms

The University utilizes the following definitions, as provided by the relevant statutes, in the application of its affirmative action programs.

DISABILITY STATUS TERMS

Episodic or Remission - An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Individual with a Disability - Any individual who:

- Has a physical or mental impairment that substantially limits one or more of her/his major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

Disability determinations must be made “without regard to the ameliorative effects of mitigating measures” such as medication, hearing aids, other technology, reasonable accommodations, “learned behavioral or adaptive neurological modifications” or other such interventions – with the exception of ordinary eyeglasses or contact lenses.

Major Life Activities - In order for a disability to be covered by the Americans with Disabilities Act (ADA), an impairment must substantially limit one or more major life activities. Examples include but are not limited to eating, sleeping, walking, seeing, speaking, hearing, breathing, learning, caring for oneself, performing manual tasks, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, working, and operation of a major bodily function including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Mental Impairment - Any mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Physical Impairment - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

Protected veteran - a veteran who is protected under the non-discrimination and affirmative action provisions of VEVRAA; specifically, a veteran who may be classified as a “disabled veteran,” “recently separated veteran,” “active duty wartime or campaign badge veteran,” or an “Armed Forces service medal veteran,” as defined by section 60-300.2 of the Act.

Reasonable Accommodation - Reasonable accommodation is a critical component of the ADA’s assurance of nondiscrimination. It is any change in the work environment, or in the way things are usually done, that results in equal employment opportunity for an individual with a disability. An employer must make a reasonable accommodation to the known physical or mental limitations of a
qualified applicant or employee with a disability, unless it can show that the accommodation would cause an undue hardship. Some examples of reasonable accommodations include:

- Making existing facilities used by employees readily accessible to, and usable by an individual with a disability;
- Restructuring a job, modifying work schedules, reassigning to a vacant position;
- Acquiring or modifying equipment or devices;
- Modifying examinations, training materials, or policies providing qualified readers or interpreters.

An employer is not required to lower quality or quantity standards to make an accommodation; nor is an employer obligated to provide personal use items, such as glasses or hearing aids, or wheelchairs as accommodations.

**Record of a Substantially Limiting Condition** - ADA Technical Assistance Guidelines state that this protected group includes a person who has a history of an impairment that substantially limits a major life activity but who has recovered from the impairment. Examples of individuals who have a history of impairments are persons who have histories of mental or emotional illness, drug addiction, alcoholism, heart disease, or cancer.

**Regarded as having such an impairment** - An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

The ADA protects certain persons who are regarded by a private entity as having a physical or mental impairment against adverse actions based on that belief.

**Substantially Limits** - An impairment only qualifies as a “disability” under the ADA if it substantially limits one or more major life activities. However, Congress rejected the U.S. Supreme Court’s interpretation of “substantially limits” as well as EEOC’s regulation, “severely restrict” and “significantly restrict,” respectively. The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as:

- Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- Use of assistive technology;
- Reasonable accommodations or auxiliary aids or services; or
- Learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. The term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or
eliminate refractive error. The term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

**Transitory and Minor Impairments** - A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

**Undue Hardship** - Excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business. In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer’s operation, as well as the impact of the accommodation on the specific facility providing the accommodation. An employer is not required to provide an accommodation if it will impose an undue hardship on the operation of its business.

**CATEGORIES OF VETERANS**

Pursuant to recent OFCCP Final Rules and the revised VETS 4212, the data will be reported as protected veterans including the following four categories.

A “protected veteran” is an individual who falls within one or more of the following categories of veterans:

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

**Armed Forces service medal veteran** - means any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209).

**Disabled Veteran** - a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or a person who was discharged or released from active duty because of a service-connected disability.

**Recently Separated Veteran** - means any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval or air service.
Appendix B: Harassment Policy and Procedures

Harassment of any individual, for any reason, is not acceptable at Duke University. In support of its commitment to respectful work and learning environments, the Duke University Harassment Policy prohibits all types of harassment. The policy also prohibits retaliation against individuals who come forward with harassment related concerns or complaints, as well as individuals who participate in an investigation.

In addition to its harassment policy, Duke University and Duke University Health System also provide educational programs and training opportunities to increase awareness of the nature of harassment and ways to prevent its occurrence. The major provisions of the policy are regularly communicated to Duke staff, faculty and students. Members of the Duke community are encouraged to promptly seek assistance for harassment issues.

This policy against harassment is consistent with the University’s valuation of academic freedom. Duke University is committed to the free and vigorous discussion of ideas and issues, and this Policy shall be applied in a manner that protects the academic freedom of all parties to a complaint. Academic freedom and the related freedom of expression include, but are not limited to, civil expressions of ideas, however controversial, in classrooms, residence halls, and other teaching and student living environments.

Administrative responsibility for implementing the Duke University Harassment Policy rests with the Office for Institutional Equity (OIE). Dr. Benjamin D. Reese, Vice-President for Institutional Equity, is the University’s designated Title IX, Section 504 and Age Discrimination Act Coordinator and responsible for implementing these and other relevant federal laws. Dr. Reese’s office is located at: The Office for Institutional Equity, Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Box 90012, Durham, North Carolina 27708. Dr. Reese may be contacted by telephone at (919) 684-8222.

DEFINITIONS

Harassment may take two forms:

The first form of harassment is unwelcome verbal or physical conduct (which may or may not be sexual in nature) that, due to its severity and/or persistence, interferes significantly with an individual’s work or education, or adversely affects an individual’s living conditions. The second form of harassment occurs if a person uses a position of authority to engage in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is explicitly or implicitly made a term or condition of an individual’s employment or education; or
- Submission to or rejection of such conduct is used as a basis for decisions affecting an individual’s education or employment.

The conduct alleged to constitute harassment shall be evaluated from the perspective of a reasonable person similarly situated to the complainant, and in consideration of the context of the behavior. Harassment must be distinguished from behavior that, even though unpleasant or
disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

SCOPE

**Duke Staff, Faculty, Students**

This Harassment Policy applies to all persons who are enrolled at or employed by Duke University and Duke University Health System, including their entities and subsidiary organizations, while they are on university property or are participating in a university-related activity off-campus.

**All Others**

Situations that involve other individuals (e.g., visitors, patients, graduates of Duke University, applicants for admission or employment, or former employees) who believe they have been harassed by someone either employed by, or enrolled at Duke University or Duke University Health System, either on campus or in a university-related activity, may be addressed only through the informal process for handling an allegation. Situations, in which Duke University or Duke University Health System employees or students believe they have been harassed by visitors to the University, or contractors or vendors serving the University, will be resolved through the informal process for handling an allegation.

Anyone with questions about the Harassment Policy, or who wish to file a harassment complaint, should contact the Office for Institutional Equity at 684-8222, or visit the OIE website.

**STATUTE OF LIMITATIONS**

An allegation or complaint of harassment should be submitted to the appropriate individual or office as soon after the offending conduct as possible. A complaint against a student may be filed at any time and is actionable under the university’s disciplinary process up to the point the accused student graduates. For all other respondents, a complaint must be filed no more than one year after the most recent conduct alleged to constitute harassment. While the Office for Institutional Equity may grant a reasonable extension of any other deadline established in the following procedures, the one year limit in which complainants may submit an allegation or complaint shall not be extended. This statute of limitations is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect respondents against complaints that are too old to be investigated effectively. If the nature of the allegation or complaint is particularly egregious, as determined by the Office for Institutional Equity, OIE has the authority to act as complainant beyond the one-year statute of limitations, provided that this office initiates the complaint within a year of learning about the alleged incident(s) and the evidence is available to support an effective investigation.

**CONFIDENTIALITY**

Duke University and Duke University Health System recognize the importance of confidentiality. Breaches of confidentiality compromise the ability of the University to investigate and resolve claims of harassment. Duke University and Duke University Health System will attempt to protect the confidentiality of harassment proceedings to the extent reasonably possible. Although the University and Health System are committed to respecting the confidentiality and privacy of all parties involved in the process, they cannot guarantee complete confidentiality.
Appendix C: Reasonable Accommodation Request

All questions and information related to disability matters and the Reasonable Accommodation Process should be directed to the Office for Disability Management System at 919-684-8247, TTY 919-668-1329 or www.access.duke.edu. Information is available in alternative format upon request.

The following forms are required to request and process a reasonable accommodation. The request must be supported by appropriate documents, including completed forms available at the Disability Management System (DMS) office or on the DMS website, www.access.duke.edu.

- Reasonable Accommodation Request Form;
- Health Care Provider Medical Information Request Form;
- Fire Safety Referral Form;
- Occupational & Environmental Safety Office.
Reasonable Accommodation Request Form - Employment

The purpose of this form is to assist the Duke University/Duke University Health System in determining whether, or to what extent, a reasonable accommodation is required for an employee with a disability to perform one or more essential functions of his or her job safely and effectively. This form must be filed separately from the employee's personnel file and be treated confidentially.

<table>
<thead>
<tr>
<th>DUHS/College/School/Administrative Area</th>
<th>Department/Unit</th>
</tr>
</thead>
</table>

**SECTION I:** Employee/Applicant: To be completed by employee requesting accommodation.

<table>
<thead>
<tr>
<th>Employee:</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Address and Email Address:</td>
<td></td>
</tr>
<tr>
<td>Job Title:</td>
<td>Duke Unique ID:</td>
</tr>
<tr>
<td>Department Head/Supervisor:</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Human Resources Officer/Representative/Personnel Rep:</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Have you contacted Employee Occupational Health and Wellness?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The accommodation requested is: ____________________________

I, ____________________, give Duke University, including but not limited to, EOHW, DMS, HR, E&O, FMD, Fire and Safety and my work unit, permission to explore possible coverage and reasonable accommodations under the Americans with Disabilities Act and the ADA Amendments Act. I understand that all information obtained during this process will be maintained and used in accordance with applicable confidentiality requirements.

I further understand that I am required to submit pertinent documentation from my healthcare provider(s) regarding my impairment(s). In addition, I have completed and signed the attached release of information giving Duke permission to consult with my health care professional(s) as necessary to determine that I am a qualified employee with a disability, to seek guidance as to any functional limitations resulting from my condition(s) and to assist the University in determining what appropriate accommodations may exist to address my limitations.

<table>
<thead>
<tr>
<th>Date</th>
<th>Employee's Signature</th>
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Please return this form and attached healthcare provider form to Disability Management System, 402 Oregon Street, Suite 102, Box 90142, Durham, NC 27708, via fax (919)668-3977 or via email at dukedms@duke.edu.

Modified 11/14/2014
HEALTH CARE PROVIDER MEDICAL INFORMATION REQUEST FORM

I____________________, voluntarily give Duke University permission to contact
Dr. (s) ________________________________, as necessary, for
discussion of my case as it relates to possible limitations of a major life activity, which can
affect my employment. I have been given an opportunity to ask questions regarding this
form and to have those questions answered to my satisfaction. I further understand that
all information obtained from this interaction will be maintained and used in accordance
with applicable confidentiality requirement.

Requesting Provider: George Jackson, MD or Associates (Employee/Occupational Health
and Wellness)
Phone Number: 684-3136
Address: P.O. Box 3148, DUMC, Durham, N.C. 27710
Employee Signature: ______________________________
Date: ______________________________
Witness: ______________________________

Modified 11/14/2014
FIRE SAFETY REFERRAL FORM

IMPORTANT NOTE:

PLEASE COMPLETE ALL APPLICABLE SECTIONS BELOW AS THIS FORM WILL BE SENT TO THE FIRE SAFETY OFFICE FOR FOLLOW-UP.

<table>
<thead>
<tr>
<th>Employees and Students Must Complete the Following 6 Sections:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Duke Unique ID Number: Telephone Number:</td>
</tr>
<tr>
<td>Address (Office or Residence Hall – Building &amp; Room Number): School/College/Administrative Unit: Email Address:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employees Must Complete the Following Additional 4 Sections:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Unit: Job Title: Supervisor’s Name: Supervisor’s Phone Number:</td>
</tr>
</tbody>
</table>

We are asking all employees and students to identify any medical limitations they have that may interfere with emergency evacuation. We are collecting this information to help us effectively develop an emergency evacuation plan. Self-identification is voluntary and the information you provide will be kept confidential and shared only with those who have responsibilities under the emergency evacuation plan.

Do you have limitations that may interfere with your ability to evacuate during an emergency?

Yes [ ] No [ ]

If yes, what are they?

Do you need assistance for emergency evacuation?

Yes [ ] No [ ]

If yes, what type of assistance do you need?

In the event of an emergency, will you need any special medication, equipment, or device (e.g., a mask because of a respiratory impairment, an evacuation device because you cannot climb or descend stairs, etc.)?

Yes [ ] No [ ]

If yes, what will you need?

If additional information is needed, we will contact you as soon as possible. If you have any questions, please let us know.

This form was completed by: ___________________________ Date: ___________________________

- Employees should return or fax the completed form along with the signed Reasonable Accommodation Request form and Health Care Provider Release form to the Disability Management System office at 402 Oregon Street, Box 90142, Fax: 668-3977.

- Students should contact the Disability Coordinator at the Disability Management System-Student Disability Access Office (SDAO) to discuss and complete the form.

Note: The Disability Management System representative or the Student Disability Access Office Coordinator will forward or fax the completed form to OESO-Fire Safety Division, 1411 Hull Street, Box 90427, Fax: (919) 684-5487.

Modified 11/14/2014
Date form received from DMS or SDAO _______________.
Date facility surveyed _______________.
Date Site Specific Fire Plan developed _______________.
Date Training conducted _______________.

Fire Safety Division personnel will return the completed form along with the site-specific fire plan to:
For Employees: Disability Management System, 402 Oregon Street, Box 90142 or Fax to (919) 668-3977.
For Students: Disability Management System, Student Disability Access Office (SDAO), 402 Oregon Street, Box 90142 or Fax to (919) 668-3977.

Modified 11/14/2014
Appendix D: Suggested Alternative Format Statements

Duke University is a contracting party within the meaning of Section 503/504 of the Rehabilitation Act of 1973. As such, it is recommended that the following alternative format and accommodation statements be used where applicable.

**Alternative Format Statement** *This statement should be printed in an easy-to-read type size and placed in a location that is easy to notice.*

This publication is available in alternative format on request. Please call (insert telephone number of program sponsor)

**Accommodation Statement** *This statement should be printed in any publication that describes a specific program or special event, e.g., seminar, film, speaker, performing arts series, employment programming, etc.*

Duke University encourages persons with disabilities to participate in its programs and activities. If you anticipate needing any type of accommodation or have questions about the physical access provided, please contact (telephone number of the program sponsor) in advance of your participation or visit.

**Abbreviated Accommodation Statement** *The abbreviated version should be used when there are space constraints.*

Persons with disabilities who anticipate needing accommodations or who have questions about physical access may contact (telephone number of the sponsor) in advance of the program (or film, event, etc.).
Appendix E: Best Practices

Disability Management System

The Disability Management System (DMS) provides leadership to the University and the Health System to ensure an accessible and hospitable working and learning environment for people with disabilities, as well as fully complying with federal and state regulations. DMS interfaces with all organizational units of the University and collaborates with staff and faculty to ensure compliance and raise awareness regarding needs of persons with disabilities. DMS is responsible for development and implementation of standard University practices and procedures, and for responding to the needs of faculty, staff, students, and visitors with disabilities.

Selected initiatives include the following:

- DMS created an online training module for our Patient Revenue Management Organization. This module could also be used for training of staff in other organizations. The training prepares managers to better understand the regulations and their responsibilities to evaluate and offer accommodations to job applicants with disabilities;
- As of March 1, 2014, approximately 1,500 employees (including managers and supervisors) have been trained using the ADA online module;
- DMS partnered with Duke Athletics and co-sponsored the 2014 Valor Games. Approximately 100 disabled members of the armed forces participated in athletic competitions that included indoor rowing, power lifting, volleyball, table tennis and cycling;
- DMS and the Office of the Vice President of Administration sponsored the “Beyond Disability, Beyond Compliance” national disability retreat in October 2014. Over 80 individuals from colleges and universities across the country attended the event. Highlights included keynote speakers and concurrent sessions that focused on moving beyond mere compliance with the ADA (and other disability laws) and more on total integration of students and employees with disabilities into our existing college environments.

Outreach Programs

Duke University engages in outreach efforts to seek qualified veterans and individuals with disabilities. Several programs and publications are designed to increase awareness and understanding of the needs and challenges presented to these individuals and to make employment and advancement opportunities more accessible for them.

Outreach efforts include:

- Hosting speakers from Vocational Rehabilitation Services and Veterans/Disabled Outreach organizations to speak at monthly recruiter meetings to share information about the clientele they serve and how best to advise them in their Duke job search;
- Conducting mock interviews with Durham Vocational Rehabilitation clients and share interviewing/resume-writing resources with them;
- Attending community job fairs, such as the Department of Housing, local high schools, Durham Technical Community College and Durham’s Career Center to raise awareness of Duke job opportunities and hiring processes;
- Partnering with community organizations such as Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) and Carolina Case Management & Rehabilitation Services to assist current disabled employees with specific job related needs;
- Helping disabled employees perform effective job searches and ensuring that they have the tools necessary to do so through a centralized system administered by the Duke Human Resources and Disability Management Systems departments;
- Developing recruitment plans that include discussion points addressing a variety of diverse groups, including candidates with disability to identify advertising options;
- Sharing Duke University job opportunities with local job banks having expertise with veterans’ needs such as the North Carolina Division of Employment Security;
- Representation of Duke Recruitment in activities sponsored by Duke or on Duke’s campus for individuals with disability such as the VALOR Games;
- Duke University Hospital partnered with Disabled American Veterans (DAV) in May 2014 to collect “hot list” items in support of the men and women who have severed in the Armed Forces.

**Yellow Ribbon Program**

The Yellow Ribbon GI Education Enhancement Program (Yellow Ribbon Program) is a provision of the Post 9/11 Veterans Educational Assistance Act of 2008. This program allows institutions of higher learning (degree-granting institutions) in the United States to fund tuition expenses that exceed the highest public in-state undergraduate tuition rate. The institution can waive up to 50% of those expenses and the Veterans Administration will match the same amount as the institution. All of the schools at Duke participate in this program.
Appendix F: Self-Identification Forms

Voluntary Self-Identification of Veteran Status

If you believe you belong to any of the categories of protected veterans listed below, please check the appropriate boxes. We request this information in order to measure the effectiveness of the outreach and positive recruitment efforts we undertake pursuant to VEVRAA.

- I identify as one or more of the classifications of protected veterans:
  - Disabled Veteran
  - Recently Separated Veteran
  - Active Duty Wartime or Campaign Badge Veteran
  - Armed Forces Service Medal Veteran

- I am a protected veteran, but I choose not to self-identify the classifications to which I belong

- I am NOT a protected veteran
Voluntary Self-Identification of Disability

Why are you being asked to complete this form?

Because we do business with the government, we must reach out to, hire, and provide equal opportunity to qualified people with disabilities. To help us measure how well we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, but we hope that you will choose to fill it out. If you are applying for a job, any answer you give will be kept private and will not be used against you in any way.

If you already work for us, your answer will not be used against you in any way. Because a person may become disabled at any time, we are required to ask all of our employees to update their information every five years. You may voluntarily self-identify as having a disability on this form without fear of any punishment because you did not identify as having a disability earlier.

How do I know if I have a disability?

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such an impairment or medical condition.

Disabilities include, but are not limited to:

- Blindness
- Deafness
- Cancer
- Diabetes
- Epilepsy
- Autism
- Cerebral palsy
- HIV/AIDS
- Schizophrenia
- Muscular dystrophy
- Bipolar disorder
- Major depression
- Multiple sclerosis (MS)
- Missing limbs or partially missing limbs
- Post-traumatic stress disorder (PTSD)
- Obsessive compulsive disorder
- Impairments requiring the use of a wheelchair
- Intellectual disability (previously called mental retardation)

Please check one of the boxes below:

☐ YES, I HAVE A DISABILITY (or previously had a disability)
☐ NO, I DON’T HAVE A DISABILITY
☐ I DON’T WISH TO ANSWER

________________________________________  ______________________________________
Your Name                                      Today’s Date
Voluntary Self-Identification of Disability

Reasonable Accommodation Notice

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

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1 Section 503 of the Rehabilitation Act of 1973, as amended. For more information about this form or the equal employment obligations of Federal contractors, visit the U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) website at www.dol.gov/ofccp.

PUBLIC BURDEN STATEMENT: According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.
Appendix G: Labor Law Posters & Notices

The image below is representative of a compliant bulletin board with Federal and State of North Carolina labor law posters and Duke University policy notices on display at various locations across the University and Health System.
Appendix H: Contacts and Resources

Duke University Contacts

Disability Management System (TTY 919-668-1329) ..........919-668-6213    www.access.duke.edu
Reasonable Accommodations Process ............................................................. 919-684-8247
Parking and Transportation Services ................................................................. 919-684-7275
Duke Police (for emergencies, dial 911) ......................................................... 919-684-2444
Employee Occupational Health and Wellness ........................................... 919-684-3136
Faculty Ombudsperson ................................................................................. 919-613-7811
Human Resources, Duke University and Duke University Health System.......... 919-684-5600
Office for Institutional Equity ........................................................................ 919-684-8222
Patient and Visitor Relations ....................................................................... 919-684-2020
Personal Assistance Service ........................................................................ 919-416-1727

Resources

ADA Standards for Accessible Design
American Foundation for the Blind ................................................................. www.afb.org
disABLEDperson ..................................................................................... www.disabledperson.com
Eastern Paralyzed Veterans Association (EPVA) ........................................ www.unitedspinal.org
Employer Assistance & Resource Network ................................................. www.askearn.com
Job Accommodation Network ..................................................................... www.askjan.org
National Business & Disability Council ................................................. www.nbdc.com
Professional Diversity Network ............................................................... www.prodivnet.com
Southeast ADA Center .............................................................................. www.adasoutheast.org
U.S. Department of Justice (DOJ) ................................................................. www.justice.gov
U.S. Office of Civil Rights (OCR) ................................................................. www.osed.doc.gov/ocr
Veterans’ Employment & Training Service (VETS) .................................. www.dol.gov/vets