



University of Hawai'i

# **AFFIRMATIVE ACTION PLAN**

for Individuals with Disabilities & Protected  
Veterans

Policy and Affirmative Action Program for  
Individuals with Disabilities and Protected Veterans  
(41 CFR § 60-741, 60-300)

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**Policy and Affirmative Action Program for  
Individuals with Disabilities and Protected Veterans**  
(41 § CFR 60-741 & 60-300)

**1. Policy Statement**

[41 CFR § 60-741.44 (a), 60-300.44 (a)]

The University of Hawai'i is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of disability or status as a protected veteran (disabled veteran, recently separated veteran, Armed Forces service medal veteran, active wartime or campaign badge veteran). As a federal contractor, the University will take affirmative actions to employ and advance in employment qualified protected veterans and individuals with disabilities. The University will recruit, hire, train, and promote persons in all job titles, and ensure that all other personnel actions are administered in a nondiscriminatory manner, without regard to disability or protected veteran status. The University will also ensure that all employment decisions are based only on valid job requirements.

The University affirms that employees and applicants will not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of VEVRAA, Section 503 or any other federal, state or local law requiring equal opportunities for protected veterans and/or individuals with disabilities; (3) opposing any acts or practices made unlawful by VEVRAA, Section 503 or their respective implementing regulations in this part or any other federal, state or local law requiring equal opportunities for protected veterans and/or individuals with disabilities; or (4) exercising any other right protected by VEVRAA or Section 503 or their implementing regulations in this part.

As President of the University of Hawai'i, I am committed to the principles of equal employment opportunity and affirmative action (EEO/AA). I have designated the campus EEO/AA coordinators Mark Au (UH System Offices & UH Mānoa), Mary Perreira (UH Community Colleges), Jennifer Stotter (UH Hilo), and Janice Sunouchi (UH West O'ahu), as the officials responsible for the implementation of affirmative action activities. It is their duty to develop a written Affirmative Action Program (AAP) for protected veterans and individuals with disabilities and to establish and maintain an internal audit and reporting system to measure the effectiveness of the affirmative action programs and outreach and recruitment efforts. The AAP and contact information for the EEO/AA Coordinators is available at [www.hawaii.edu/eo](http://www.hawaii.edu/eo). The AAP can be provided in alternate accessible format upon request to an EEO Coordinator.



David Lassner, President  
University of Hawai'i

## 2. Definitions

- **Active Duty Wartime or Campaign Badge Veteran** (41 CFR § 60-300.2)

“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** (41 CFR § 60-300.2)

“Armed Forces service medal veteran” means a 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.

- **Disability** [41 CFR § 60-741.2(g)]

The term “disability” with respect to an individual means:

- a) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- b) A record of such an impairment; or
- c) Being regarded as having such an impairment

- **Disabled Veteran** (41 CFR § 60-300.2)

“Disabled Veteran” means 1) a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or 2) a person who was discharged or released from active duty because of a service-connected disability.

- **Recently Separated Veteran** (41 CFR § 60-300.2)

“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.

**3. Availability of this Document, Complaint Procedures, and Related Information**  
(41 CFR § 60-741.41, 60-300.41)

The EEO/AA Director or Coordinator for each campus distributes copies of the University's nondiscrimination policy; Affirmative Action Program for qualified individuals with disabilities and qualified protected veterans; discrimination complaint procedures; and related information. This Affirmative Action Program is available in alternate format upon request. For information or assistance, please contact:

UH System Offices & UH Mānoa Campus

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UH Community Colleges

Christine Chun  
Office of VP for Community Colleges  
2327 Dole St., Rm. 14  
Honolulu, HI 96822

phone (808) 956-4564  
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web [hawaii.edu/offices/cc/ccadmin/eeo.html](http://hawaii.edu/offices/cc/ccadmin/eeo.html)

UH Hilo

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web [westoahu.hawaii.edu/eeo](http://westoahu.hawaii.edu/eeo)

**4. Non-retaliation**  
(41 CFR § 60-741.69, 60-300.69)

The University prohibits and will not tolerate retaliation, including intimidation, threats, or coercion because an employee or applicant has objected to discrimination, engaged in or may engage filing a complaint, assisted in an investigation or compliance activity, or has otherwise sought to exercise their rights under the University policy or federal, state, or local EEO laws covering individuals with disabilities and/or protected veterans.

**5. Review of Personnel Processes**  
[41 CFR § 60-741.44 (b), 60-300.44 (b)]

The University periodically reviews its personnel procedures to determine whether they provide for the careful, thorough, and equitable consideration of the qualifications of known qualified individuals with disabilities and qualified protected veterans. The review covers hiring and promotion, as well as access to training opportunities offered to employees. Based on the review, the University will make any necessary modifications to ensure equal employment opportunities free from any types of harassment or discrimination.

**6. Physical and Mental Qualifications**  
[41 CFR § 60-741.44 (c), 60-300.44 (c)]

The University's Office of Human Resources and delegated personnel officers at units periodically review position descriptions to ensure that all physical or mental qualification standards are job-related and are consistent with business necessity, and health and safety concerns.

**7. Reasonable Accommodation to Physical and Mental Disabilities**  
[41 CFR § 60-741.44 (d), 60-300.44 (d)]

The University will make every effort to reasonably accommodate to the known physical and mental limitations of an otherwise qualified individuals with a disabilities or qualified disabled veterans, to the extent that such accommodation does not impose an undue hardship on the operation of its business, and as long as the individuals can perform the essential functions of the positions without posing a direct threat to the health or safety of the individuals or others in the workplace (§ 60-741.22). Technical assistance with the reasonable accommodation process is available in the most recent *State of Hawai'i Manual on Accommodations for Employees with Disabilities*, published by the Disability and Communication Access Board (DCAB):  
<https://health.hawaii.gov/dcab/files/2013/02/accommodationmanual.pdf>

**8. Harassment Prevention**  
[41 CFR § 60-741.44 (e), 60-300.44 (e)]

The University has a nondiscrimination policy and complaint procedure. Additionally, each campus conducts educational workshops to prevent discrimination and harassment.

**9. Compensation**  
[41 CFR § 60-741.21(i), 60-300.21(i)]

In offering employment or promotions to qualified individuals with disabilities or qualified protected veterans, salary offers shall not be reduced because of any disability income, pensions, or other benefits the applicants or employees receive from other sources.

**10. Policy Dissemination, Outreach, and Positive Recruitment**  
[41 CFR § 60-741.44 (f)(g), 60-300.44 (f)(g)]

The University makes an active, ongoing effort to inform employees, applicants, and members of the public of its equal opportunity policies. The President's annual reaffirmation of the EEO/AA policy and the names and contact information for EEO/AA and ADA officers are publicized on the University web site. Policies are also communicated through brochures, meetings, EEO/AA training sessions, and memoranda to department heads and executives. An Equal Opportunity notice is printed on University stationery, informational brochures, and school catalogs. Copies of the Affirmative Action Program and EEO/AA policies are available to the public at EEO/AA Offices at each campus.

The University conducts positive recruitment for job vacancies. Employment opportunities are advertised in the newspaper, the UH web site, and HireNet Hawai'i. Job announcements on the UH web site contain an equal opportunity/affirmative action caption.

EEO posters are displayed in accessible areas on campuses throughout the University system. Posters include "EEO is the Law" which identifies nondiscrimination laws covering veterans and individuals with disabilities as well as the EEO supplemental poster.

University contracts and subcontracts incorporate by reference the Affirmative Action Clause prescribed by 41 CFR § 60-741.5(a), and 60-300.5 (a).

**11. Audit and Reporting System**

[41 CFR § 60-741.44 (h), 60-300.44 (h)]

Each campus maintains an audit and reporting system that: reviews the effectiveness of the campus affirmative action programs; indicates any need for remedial action; assesses whether objectives have been attained; determines whether individuals with known disabilities, disabled veterans, and protected veterans have equal opportunities to participate in programs and activities and to receive services at the University; and reviews for compliance with affirmative action program obligations. If the audit identifies any areas of concern, appropriate follow up is undertaken.

**12. Responsibility for Implementation**

[41 CFR § 60-741.44 (i), 60-300.44 (i)]

Each campus publicizes the name and contact information of the EEO/AA Director or Coordinator responsible for coordinating the implementation of the Affirmative Action Program. Implementation is a shared responsibility based on the delegation of personnel authority.

**13. Training**

[41 CFR § 60-741.44 (j), 60-300.44 (j)]

All University personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related human resources functions are invited to ongoing training programs designed to ensure that the University's commitments to EEO and its Affirmative Action Programs are fulfilled. Qualified individuals with disabilities and protected veterans have equal opportunities to participate in developmental training.

**14. Invitation to Self-Identify and Confidentiality**

(41 CFR § 60-741.42, 60-300.42)

Invitation to Self-Identify

The University invites applicants and employees to self-identify their status as a protected veteran, or individual with a disability. This invitation is extended at three stages:

- a) When an applicant applies for a position or is considered for employment;
- b) After making an offer of employment and before the start of employment duties. A voluntary self-identification form is included in the "new hire packet" of information and benefit enrollment forms; and
- c) To all employees at five year intervals.

The invitation states that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject applicants or employees to any adverse treatment, and that it will not be used in a manner inconsistent with federal, state, and local laws. Applicants and employees may request reasonable accommodations from the University at any time.

Confidentiality

Information obtained from applicants and employees concerning a physical or mental condition is kept confidential except that:

- a) Supervisors and managers may be informed regarding accommodations or restrictions on work or duties;

- b) First aid and safety personnel may be informed when and, to the extent appropriate, if the condition might require emergency treatment; and
- c) Government officials investigating compliance with EEO laws will be informed. Information may also be disclosed under other limited circumstances such as by law, regulation, or court order.

**15. Data Collection Analysis**

[41 CFR § 60-741.44(k), 60-300.44(k)]

The University will collect and analyze the following data pertaining to applicants and hires on an annual basis and maintain this data and analyses for a period of three (3) years:

- a) The number of applicants who self-identified as protected veterans or individuals with a disability
- b) The total number of job openings and total number of jobs filled
- c) The total number of applicants for all jobs
- d) The number of protected veteran and disability applicants hired; and
- e) The total number of applicants hired.

(revised 01/01/17)