

# SJSU Research Foundation Equal Employment Opportunity and Affirmative Action Policy

## Human Resources

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### 1.0 Purpose

The SJSU Research Foundation (“Research Foundation”) is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. This document sets forth the Research Foundation’s policy to provide equal opportunity for all persons, regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and Protected Veteran status. This document also states the Research Foundation’s commitment to affirmative action through its Affirmative Action Program (AAP) to assure equal employment opportunity in all its policy decisions affecting recruitment, selection, assignment, promotion, training, and all other terms and conditions of employment.

### 2.0 Responsibility

The senior director of Human Resources and the Human Resources team, in close collaboration and partnership with executive and operations management, including principal investigators (PI’s), is responsible for effectively implementing and ensuring compliance with this policy across the organization. Managers are responsible for appropriately implementing the Equal Employment Opportunity (EEO) and Affirmative Action (AA) policy within their respective areas of responsibility.

### 3.0 Scope

This policy extends to all employees and to all applicants for employment. The policy also extends to employment practices, including recruitment, selection, hiring, promotion, training, compensation, benefits, transfer, separation, and other terms, conditions, or privileges of employment. The policy also includes providing reasonable accommodations, advantages, facilities, privileges and services for all members of the Research Foundation community.

### 4.0 Definitions

This table provides definitions for special terms, acronyms, and abbreviations used in this policy.

Term, Acronym, or Abbreviation	Description
Equal Employment Opportunity (EEO) Policy	Research Foundation policy is to provide equal opportunity to all persons without regard to race, color, sex, sexual orientation, gender identity, religion, national origin, age,

	disability, and status as Disabled Veteran/Recently Separated Veteran/Armed Forces Service Medal Veteran/Active Duty Wartime or Campaign Badge Veteran (collectively referred to as "Protected Veterans"), or other bases protected by applicable law.
Reasonable Accommodation	Assistance or changes to a position or workplace that will enable an employee to do his or her job despite having a disability. The Research Foundation provides reasonable accommodation to qualified persons with disabilities unless doing so would impose an undue hardship.
Affirmative Action Policy	The Research Foundation has established a continuing affirmative action program to assure equal employment opportunity in all its policy decisions affecting recruitment, selection, assignment, promotion, training, and all other terms and conditions of employment.
Protected Veterans	Recently separated, disabled, Armed Forces Service Medal, Active Duty Wartime or Campaign Veteran.

## 5.0 Policy

**Equal Employment Opportunity:** It is the policy of the SJSU Research Foundation to provide equal opportunity to all persons without regard to race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, and status as disabled veteran, recently separated veteran, Armed Forces Service Medal Veteran, Active Duty Wartime or Campaign Badge Veteran (collectively referred to as "Protected Veterans"), or other bases protected by applicable law. The Research Foundation policy prohibits harassment of applicants or employees related to these bases, and strives to be free from all forms of unlawful discrimination, harassment, and retaliation. The Research Foundation consistently administers this policy by:

- Posting all required notices regarding employee rights under EEO laws in all locations.
- Advertising for job openings with the statement "An Equal Opportunity Employer"
- Posting all benefited positions with the appropriate state agencies.
- Prohibiting retaliation against any individual who files a complaint of discrimination, harassment, or assists, testifies or participates in an EEO agency or other government agency proceeding.
- Requiring employees to report any apparent discrimination or harassment promptly to management or Human Resources.
- Investigating all reports of discrimination and/or harassment promptly and take appropriate remedial steps.
- Requiring equal opportunity for disabled persons and Protected Veterans.

- Opposing any act or practice made unlawful by any law requiring equal opportunity for disabled persons and Protected Veterans.
- Exercising any other employment right protected by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 or Section 503 of the Rehabilitation Act of 1973, or their implementing regulations.

**Affirmative Action:** It is the policy of the Research Foundation to provide equal opportunity to all persons without regard to race, color, sex, gender identity, sexual orientation, religion, national origin, age, disability, protected veteran status (recently separated, disabled, Armed Forces Service Medal Veteran, Active Duty Wartime or Campaign Badge Veteran) or other bases protected by applicable law. The Research Foundation policy prohibits harassment of applicants or employees related to these bases.

The Research Foundation has established a continuing Affirmative Action Program to assure equal employment opportunity in all policy decisions affecting recruitment, selection, assignment, promotion, training, and all other terms and conditions of employment. There is an audit and reporting system in place to measure the effectiveness of Research Foundation's affirmative action plans.

Employees and applicants will not be subjected to reprisal, harassment, intimidation, threats, coercion or discrimination because they:

- (1) file a complaint with the Research Foundation or with government agencies;
- (2) assist or participate in any investigation, compliance review, hearing, or any other activity related to the administration of any law requiring equal opportunity for disabled persons and protected veterans;
- (3) oppose any act or practice made unlawful by any law requiring equal opportunity for disabled persons and protected veterans;
- (4) exercise any other employment right protected by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 or Section 503 of the Rehabilitation Act of 1973, or their implementing regulations.

The Research Foundation will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is:

- (a) in response to a formal complaint or charge,
- (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or
- (c) consistent with the Foundation's legal duty to furnish information.

## 5.1 Reasonable Accommodation

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Research Foundation will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship.

Any applicant or employee who requires an accommodation in order to perform the essential functions of his or her position must contact the Research Foundation's Human Resources director or designee to request such an accommodation. The individual with the disability should specify what accommodation he or she believes is necessary or appropriate to perform the job. The Research Foundation will then undergo an interactive process, through which it will identify barriers that interfere with the equal opportunity of the applicant or employee to perform that job.

The Research Foundation will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship upon its operations, the Research Foundation will make the accommodation.

More information on reasonable accommodation can be found on the **Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act** website at:

<https://www.eeoc.gov/policy/docs/accommodation.html>.

## 5.2 Complaint Process

If an employee or applicant for employment of the Research Foundation believes that he or she has been subjected to any form of unlawful discrimination, that person is encouraged to submit a written complaint to their department manager and/or to the Research Foundation's Human Resources director or their designee.

The process for filing a complaint is described below:

1. If the complaint is received by any manager other than a Human Resources professional, the manager shall immediately contact the Human Resources department to apprise them of the complaint and shall forward that complaint directly to Human Resources.
2. The complaint should be specific and include the names of the individuals involved and the names of any witnesses. If assistance is required or requested to document their complaint, or if the employee or applicant prefers to make a complaint in person, he or she should contact the Research Foundation's Human Resources director or designee.
3. The Human Resources director or designee will, as promptly as practicable, undertake a factual and thorough investigation to resolve the complaint in as timely and confidential a manner as possible.
4. If the Research Foundation determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future retaliation or other forms of discrimination.

The Research Foundation will not retaliate against an employee for filing complaint in good faith, and will not knowingly permit retaliation by management employees or coworkers of the complainant.

## 6.0 Related Policy Information

### ***Discrimination, Harassment and Retaliation Prevention Policy***

The Research Foundation prohibits any kind of discrimination, harassment and retaliation and maintains a separate *Discrimination, Harassment and Retaliation Prevention Policy*.

The full policy is available on the Research Foundation **Policies** web page.

<https://www.sjsu.edu/researchfoundation/docs/Discrimination-Harassment-and-Retaliation-Prevention-Policy-Web-Version.pdf>

### **Affirmative Action Program**

The Research Foundation's Affirmative Action Program contains a diagnostic component which includes a number of quantitative analyses designed to evaluate the composition of the workforce of the Research Foundation, and compares it to the composition of the relevant labor pools. The Research Foundation's Affirmative Action Program includes specific practical steps designed to address areas of underutilization.

The Research Foundation's Equal Employment Opportunity Affirmative Action Plan for Disabled Workers and for Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, And Armed Forces Service Medal Award Veterans, January 1, 2016 – December 31, 2016 is located in the Human Resources department at the Research Foundation's Central Office.

## 7.0 Required Forms

This table contains a list of forms and special tools referenced in this document.

Form	Description of Use
Complaint Form	Form may be used to file an official complaint.
Application for Employment	Applicant for employment form is used to formally apply for Research Foundation positions, benefited and non-benefited.

## 8.0 References and Related Information

This policy is established in compliance with federal, state, and local applicable laws and policies, as more specifically noted below:

- Title VII of the Civil Rights Act of 1964
- Section 503 of the Rehabilitation Act of 1973
- Title I of the Americans with Disabilities Act of 1990
- ADA Amendments Act of 2008

- Age Discrimination Act of 1975
- Title II of the Genetic Information Nondiscrimination Act of 2008
- Vietnam-Era Veterans Readjustment Assistance Act of 1974
- Title IX, as applicable
- California Fair Employment and Housing Act (Cal. Govt. Code § 12940 *et seq.*)
- Unruh Civil Rights Act (Cal. Govt. Code § 51 *et seq.*)
- Affirmative Action Programs

## 9.0 Record Retention

All documents and records are maintained in accordance with SJSU Research Foundation *Record Retention* requirements.

Record	Retention
<i>Equal Employment Opportunity and Affirmative Action Policy</i>	This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation Record Retention requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.