AFFIRMATIVE ACTION PROGRAM
UNIVERSITY OF WISCONSIN - SUPERIOR

November 1, 2010 – October 31, 2011

This program has been reviewed by:

Dr. Renee Wachter, Chancellor
University of Wisconsin-Superior

Date
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AFFIRMATIVE ACTION PROGRAM  
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TABLE OF CONTENTS  

I. Introduction .................................................................................................................................................. 1  
II. Equal Employment Opportunity Policy of the Chancellor ...................................................................... 2  
III. Dissemination of Equal Opportunity Policy ............................................................................................. 4  
IV. Responsibility for Implementation and Monitoring .................................................................................. 5  
V. Identification of Problem Areas ............................................................................................................... 7  
VI. Action-Oriented Programs ....................................................................................................................... 8  
VII. Internal Audit and Reporting System ..................................................................................................... 9  
VIII. Organizational Profile .......................................................................................................................... 10  
IX. Workforce Analysis ..................................................................................................................................... 11  
X. Availability Analysis .................................................................................................................................... 12  
XI. Utilization Analysis ..................................................................................................................................... 13  
XII. Goals and Objectives by Job Groups ...................................................................................................... 14  
XIII. Progress Towards Last Year’s Goals .................................................................................................... 15  
XIV. Sex Discrimination Guidelines ............................................................................................................. 17  
XV. Guidelines on Discrimination Because of Religion and National Origin .............................................. 17  
XVI. Affirmative Action Obligations for Disabled Veterans, Veterans of the Vietnam Era and Persons with Disabilities ........... 17
APPENDICES

A. WorkForce Analysis (41 CFR 60-2.11)
B. Job Group analysis (41 CFR 60-2.13)
C. Availability Analysis (41 CFR 60-2.14(b))
D. Incumbency V. Estimated Availability analysis (41 CFR 60-2.11(b))
E. Placement Goals (41 CFR 60-2.16)
F. Affirmative Action/Educational Opportunity Committee
G. Procedures for Evaluating Administrators on Their Support of Affirmative Action
H. Sexual Harassment Policy
I. Consensual Relationship Statement
J. Flex-Time Scheduling Policy
K. Accommodation of Religious Beliefs
L. Committee Composition Policy
M. Americans with Disabilities-Reasonable Accommodation Policy
I. INTRODUCTION (41 CFR 60-2.10)

The University of Wisconsin-Superior reaffirms its long-standing policy regarding equal opportunity in employment, compensation and promotion regardless of race, color, religion, sex, gender, sexual orientation, age, national origin, disability, arrest or conviction record, political affiliation, or military status. Recognizing that such a policy cannot become or remain a reality without an effective program, the University of Wisconsin-Superior views its traditional policy of nondiscrimination as one that imposes an obligation to seek full utilization of women, minorities and persons with disabilities in all job classifications within the University.

The premise of the affirmative action concept is that unless positive action is undertaken to overcome the effects of systemic institutional forms of exclusion and discrimination, benign neutrality in employment practices will perpetuate the status. Further, it obligates the University to provide and to make such persons aware of a system of comparable compensation for comparable work and qualifications and of equal opportunities for merited promotion.

Implementation of this policy must be continuous and aggressive and must be based on the personal commitments of the University administration, faculty, staff, and student body. Policies and procedures have been adopted to ensure the success of the University's affirmative action program and to set realistic goals for the hiring and utilization of women, minorities, and individuals with disabilities at all levels. Every good faith effort will be made to achieve these goals. Progress will be monitored to ensure that the University of Wisconsin-Superior shall be an Equal Opportunity/Affirmative Action Employer.

The following affirmative action program has been prepared to meet the requirements of the following laws and policies: University of Wisconsin System Equal Employment Opportunity Policies; Chapter 230, Wisconsin Statutes; the Wisconsin Fair Employment Law; State of Wisconsin Executive Order 28; the Equal Pay Act of 1963, as amended; Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; Executive Order 11246, as amended; Americans with Disabilities Act of 1990; and more specifically to comply with its implementing regulations, standards and guidelines set forth in 41 CFR Chapter 60, which are enforced by the office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor. Affirmative action must be applied to all classified, unclassified, limited term and project positions of employment and to all employment practices including, but not limited to: recruiting, hiring, certifying, testing, transferring, promotion, training, compensation, layoff, termination and retention.

Included in this program are UW-Superior affirmative action obligations for disabled veterans and veterans of the Vietnam era under the Vietnam Era Veterans Readjustment Assistance Act of 1974 and for persons with disabilities under the Rehabilitation Act of 1973, and more specifically, their implementing regulations set forth in 41 CFR Chapter 60-250 and 741.

The analyses and supporting data upon which the program is built was provided by the Human Resources Information Network through use of the Affirmative Action Software developed by Peopleclick AAPlanner. This program was prepared by: Peggy Fecker, Human Resources Director/Interim Affirmative Action Officer, University of Wisconsin – Superior, 715-394-8365
II. EQUAL EMPLOYMENT OPPORTUNITY POLICY (41 CFR 60-2.20)

The University of Wisconsin-Superior has been and continues to remain committed to equal opportunity and affirmative action in employment, compensation, and promotion without regard to race, creed, ancestry, color, religion, gender, national origin, age, Vietnam veteran status, marital status, disability, sexual orientation, political affiliation, arrest record, conviction record not related to the job, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state.

To ensure equal opportunity and to overcome the effects of past discrimination, UW-Superior is committed to a policy of making affirmative efforts in areas of underutilization to increase the number of women, racial/minority group members, and persons with disabilities on its staff through a program of affirmative action in hiring, retention, promotion, and other job actions including, but not limited to, recruiting, transfer, training, compensation, benefits, layoffs, terminations, certification, and testing. We strive to make employees aware of the system of comparable compensation for comparable work and qualifications, and of equal opportunities for merited promotion.

- UW-Superior has implemented this policy in all job actions, and monitors it continuously.
- UW-Superior has adopted policies and procedures to assure the success of our affirmative action program.
- Employees are encouraged to raise questions concerning discrimination.
- Employees will not be retaliated against for raising such questions; UW-Superior recognizes such retaliation as a form of discrimination in and of itself.
- The affirmative action policies are applicable to current as well as prospective employees.

UW-Superior recognizes that harassment by supervisors or coworkers on the basis of race, sex, national origin, age, disability, or other protected status is an unlawful employment practice prohibited by the State of Wisconsin and its agencies. UW-Superior will make every effort to prevent and eliminate such harassment.

Sexual harassment is described as unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes conduct directed by a person at another person of the same or opposite gender. Unwelcome verbal or physical conduct of a sexual nature includes but is not limited to
- the deliberate, repeated making of unsolicited gestures or comments of a sexual nature;
- the deliberate repeated display of offensive sexually graphic materials which is not necessary for business purposes;
- or the deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee’s work performance or to create and intimidating, hostile or offensive work environment.

Retaliation against an employee who files a discrimination complaint is considered a form of discrimination. Procedures are available to handle complaints of discrimination and harassment, and are published in the UW-Superior Unclassified Staff Handbook and the UW-Superior Classified Staff Handbook. The Affirmative Action Officer is identified in the 2010-2011 Faculty, Staff, & Students Directory.

UW-Superior has had an annual, written affirmative action plan for many years. The plan is distributed to the Chancellor, Vice Chancellor/Provost, administrative departments, and the University library. Procedures and guidelines on affirmative action are published in the UW-Superior Unclassified Staff Handbook and the Classified Staff Handbook and are available on the Affirmative Action web page. The Affirmative Action Plan, submitted annually to the University of Wisconsin System, contains a section setting affirmative action goals, and assessing compliance toward our goals. Every good faith effort, as
defined by the University protocols, will be made to meet these goals. Our progress will be monitored to assure that we are in compliance with applicable federal and state laws and regulations and UW-System policies and Administrative Code.

Equal opportunity is the joint responsibility of administration, faculty, staff, and students. Implementation of the Affirmation Action Plan rests with all supervisors. Affirmative action progress will be monitored and management performance in this program will be evaluated as is performance on other agency goals. Oversight for affirmative action is the responsibility of the Affirmative Action/Equal Opportunity Committee. The responsibility for auditing the Affirmative Action Plan is assigned to the Affirmative Action Officer who reports to the Chancellor. The University commits to provide the affirmative action office with adequate budgetary and staff support, commensurate with the resources of the institution.

The University of Wisconsin-Superior seeks to provide reasonable workplace accommodations for the physically challenged upon the request of the employee. Such accommodations include, but are not limited to: making facilities accessible, modified work or class schedules. The University's ADA (Americans with Disabilities Act) Coordinator is appointed by and reports to the Chancellor. The University of Wisconsin-Superior seeks to provide reasonable workplace accommodations for religious practices upon the request of the employee. Such accommodations include, but are not limited to, voluntary substitution and flexible scheduling.

This statement of policy is the basis of our written Affirmative Action Plan. It is derived from our social and moral obligations to the University community, as well as the larger American community. It is also derived from various federal, state, and University of Wisconsin System laws and regulations which declare affirmative action to be socially desirable as well as a legal requirement. Through this statement of policy, I reaffirm the commitment of the University of Wisconsin-Superior to the principles of equal employment opportunity and affirmative action.

___________________________  ________________________________
Dr. Renee Wachter, Chancellor     Date
University of Wisconsin-Superior
III. DISSEMINATION OF EQUAL OPPORTUNITY POLICY (41 CFR 60-2.21)

The equal employment opportunity policy will be disseminated internally in the following ways:

A. Procedures and guidelines on affirmative action are published in the UW-Superior Unclassified Staff Handbook, and the UW-Superior Classified Staff Handbook and are available on the Affirmative Action web page located at URL: http://www.uwsuper.edu/wb/hr/affirmative_action/. Copies of the Affirmative Action Plan are available for viewing in the Affirmative Action Office and the Human Resources Office.

B. The Affirmative Action Officer will meet with administrative units as requested to discuss the policy. All personnel responsible for hiring will be instructed to include in all announcements and communications the statement that the University of Wisconsin-Superior is an Affirmative Action/Equal Opportunity Employer/Educator.

C. Nondiscrimination clauses must appear in collective bargaining agreements.

D. The University's Equal Employment Opportunity Policy will be posted on the University’s web site.

E. Orientation of all new employees will include information about the University's Affirmative Action Plan.

F. All staff members will be advised of substantive revisions of the University's Affirmative Action Plan.

G. Pertinent sections of the Affirmative Action Plan such as hiring procedures and grievance procedures are incorporated in the UW-Superior Staff Handbooks.

H. Copies of the Affirmative Action Plan will be kept on file in the offices of the:
   1. Chancellor
   2. Provost/Vice Chancellor for Academic Affairs
   3. Lake Superior Research Institute
   4. Chair, Affirmative Action/Educational Opportunity Committee

The equal employment opportunity policy will be disseminated externally in the following ways:

A. Applicable subcontracts, leases and purchase orders covered by Executive Order 11246, as amended, the Readjustment Assistance Act of 1974, and the Rehabilitation Act of 1974, must include the Equal Employment Opportunity clause as required by Federal Regulations under 60-1.4, 250.4 and 741.4. Subcontractors, vendors, and suppliers will receive written notification of the university's policy requesting appropriate action on their part.

B. Nondiscrimination clauses will appear in collective bargaining agreements.

C. Community agencies, minority and women's organizations, community leaders, and secondary schools will be advised that the University of Wisconsin-Superior is an Equal Employment Opportunity Employer.

D. Minority and non-minority men and women will be pictured in university publications.

E. Prospective employees will be made aware of the university's affirmative action program and of its availability.

F. All published position vacancy announcements will bear the statement that the university is an affirmative action/equal opportunity employer/educator.

G. All advertisements that promote the image of the University will bear the statement that the university is an affirmative action/equal opportunity employer/educator. Event advertisements are not included in this requirement.
IV. RESPONSIBILITIES FOR IMPLEMENTATION AND MONITORING (41 CFR 60-2.17(a))

A. Chancellor
The Chancellor of the University of Wisconsin Superior assumes ultimate responsibility for the success of the University’s Equal Opportunity/Affirmative Action Plan.

B. Provost, Vice Chancellors, Department Chairs and Directors
The Provost/Vice Chancellor, Assistant Chancellors, Associate/Assistant Vice Chancellors, Department Chairs and Directors are responsible and accountable for the implementation of the affirmative action program within their unit and within all divisions or units reporting to them. They will work cooperatively with the Affirmative Action Officer to accomplish the goals and objectives of the university’s Affirmative Action Program. Specific responsibilities include:

- Collecting and reporting all data required by the Affirmative Action office;
- Preparing position announcements and recruitment plans in accordance with established affirmative action search and screen procedures;
- Ensuring that the criteria established for filling positions are applied to the selection process;
- Maintaining equitable promotional practices;
- Reviewing termination practices and policies for non-discrimination;
- Maintaining salary equity;
- Creating and maintaining a working environment free of discrimination and harassment;
- Aiding the career advancement of protected group members;
- And providing accommodations to employees with disabilities including pregnancy.

C. Affirmative Action Officer
The Affirmative Action Officer has operational responsibility for:

- Preparing and annually reporting the affirmative action program;
- Monitoring the implementation and evaluating the results of program action plans;
- Designing audit and reporting systems that will measure program effectiveness, indicate need for remedial action, and determine the degree to which goals have been met;
- Working with administrators, supervisors and faculty in setting program goals;
- Identifying problems in achieving the goals, and finding solutions to problems;
- Monitoring the selection process to ensure good faith efforts are made to recruit and employ women and minorities for all job groups, graduate assistantships, and student assistants;
- Monitoring promotions, terminations, compensation and other employment practices for non-discrimination;
- Initiating salary equity studies;
- Investigating, resolving or otherwise recommending to the chancellor the disposition of complaints of discrimination;
- Investigation, resolving or otherwise recommending to the Chancellor the disposition of complaints of sexual harassment;
- Examining employment policies, practices and procedures for adverse impact upon protected group members;
- Developing equal opportunity and affirmative action related policies; developing and carrying out affirmative action training programs;
- Working with faculty and administrative committees concerned with equal employment opportunity and affirmative action programs; conducting surveys to determine the workforce’s attitude toward affirmative action;
- Serving as liaison between the university and enforcement agencies; working with minority organizations, women’s organizations and community action groups concerned with employment opportunities for minorities and women.
D. **Affirmative Action/Educational Opportunity Committee**

The Affirmative Action/Educational Opportunity Committee is appointed by the Chancellor to advise the administration on affirmative action needs and concerns and to assist the affirmative action officer in designing and implementing programs. The specific functions of the committee include:

- Reviewing and evaluating information and statistics concerning women and minorities in the University work force and student body;
- Monitoring retention, promotion and tenure policies and practices;
- Reviewing recruitment and hiring policies and practices;
- Reviewing the current Affirmative Action Plan for the University;
- Continuously monitoring the operation of the Plan;
- Implements the procedures for investigating any claims of discrimination or sexual harassment of employees or students;
- Monitoring, advising and recommending policies to insure that educational opportunities are available to all students;
- And monitoring the procedures used in investigating complaints of discrimination.
V. IDENTIFICATION OF PROBLEM AREAS (41 CFR 60-2.17(b))

Workforce Composition: Composition of the work force by minority group status and sex, as shown in Appendix A, indicates UW-Superior has deficiencies in one of the ten job groups as to the representation of women and minorities.

Recruitment Process: The University will continue to affirmatively recruit women and minorities with special emphasis on those areas where placement goals exist. The Affirmative Action Officer and Provost will work with search committees to ensure a diverse applicant pool. Search committees will continue to be encouraged to give increased emphasis to the use of appropriate personal and professional networks as a means of reaching qualified women and minority candidates. The Affirmative Action Officer will continue to provide recruitment resource materials, information and/or appropriate training to all hiring units, committees and individuals involved in recruitment.

Selection Process: The Affirmative Action Office constantly monitors the selection process including job titles, position descriptions, job announcements, interview procedures, selection criteria and exercise, and final selection decisions. Unclassified job titles and position descriptions and announcements are reviewed not only by the Affirmative Action Officer, but also by the Provost or comparable administrator and the Human Resources Director. The Affirmative Action Officer and Provost meet with search committees to ensure their understanding of fair and legal analysis of candidates, interview procedures, and selection criteria.

Policy: University policies governing employment and discrimination have been reviewed. No problem areas which would limit or prohibit equal employment opportunities were identified. Poster notifications are consistently updated and in keeping with legal requirements.
VI. ACTION-ORIENTED PROGRAMS (41 CFR 60-2.17(c))

A. The Affirmative Action Officer will meet as requested with the following groups to review their responsibilities for affirmative action to achieve equal employment opportunities, retention and promotion for women and minorities:
   1. Department chairs
   2. Chancellor's cabinet
   3. Directors/Supervisors of non-instructional academic staff
   4. Directors/Supervisors of classified staff

B. Affirmative action responsibilities will be included in the Goals and Objectives statements of administrators in these groups at the beginning of the academic year, and their Job Performance will be evaluated in terms of their accomplishment of these Goals and Objectives. (Appendix G).

C. The Human Resources Office will track applicant flow data for classified positions. The spreadsheet will begin with the list of applicants provided by the Department of Employment Relations for each classified position.

D. The Affirmative Action Officer working with the Affirmative Action/Educational Opportunity Committee will develop and implement proactive approaches to increase the number of women and minority applicants for faculty, academic staff and classified staff positions.

E. The Affirmative Action Officer will address the topic of gender and race bias when meeting with search and screen committees. The Affirmative Action Officer will instruct administrators to carefully review recommendations of search and screen committees before endorsing them to ensure gender and race bias is not occurring.

F. Policies are established and institutionalized regarding discrimination/sexual harassment (Appendix H), consensual relationships (Appendix I), flexible time scheduling (Appendix J), accommodations of religious beliefs (Appendix K), committee composition (Appendix L), and Americans with Disabilities (Appendix M).

G. A concerted effort to recruit females, minorities and the disabled will be made, including further expansion and maintenance of the current mailing list to provide notice of job opportunities to organizations and publications representing females, minorities and disabled individuals.
VII. INTERNAL AUDIT AND REPORTING SYSTEM (41 CFR 60-2.17(d))

In order to ensure the success of the Affirmative Action Plan, it is necessary to monitor process and progress continuously. The Affirmative Action Officer will make a periodic examination of the extent to which recruitment, hiring, and other personnel actions reflect equitable treatment of women and minority individuals and contribute to the overall success of the equal employment opportunity program.

The Affirmative Action Officer is responsible for handling discrimination complaints, establishing hiring goals, and conducting staff training programs, as well as all affirmative action monitoring. The interview lists submitted by the Search and Screen Committee Chairs are reviewed and approved by the Affirmative Action Officer in terms of the applicant pools. Approval of interview questions for classified staff hiring is the responsibility of the Affirmative Action Officer; the applicant pool and test procedures are the responsibility of the Department of Employment Relations. Final hiring of unclassified staff (faculty and academic staff) is the responsibility of the Chancellor and the Cabinet Officers, namely: Provost/Vice Chancellor, Assistant Chancellor for Administration & Finance, Assistant Chancellor for University Advancement, Vice Chancellor for Campus Life/Dean of Students, the Athletic Director and the Director of Public Information, with concomitant affirmative action approval of the hiring process by the Affirmative Action Officer. Personnel actions which will require continuous monitoring include recruitment, hiring, placements, transfers, retention, non-retention, tenure or security of employment, salary increments, promotions and working conditions.

It is particularly important that those personnel actions which primarily involve consideration of merit be watched closely to see that discrimination is not involved, even inadvertently. This monitoring system will include both unclassified and classified personnel. Particular attention will be given to retention, non-retention, promotion, tenure and salary adjustments, a process which will require the complete cooperation of the department chairs, and others having initial responsibility for personnel actions.

Progress toward affirmative action is monitored at several times in the year. Recruitment and employment are monitored as they occur, using the affirmative action recruiting procedures. Unclassified promotions are monitored in the spring, when they occur.

Periodic internal reports, as required by the Chancellor, will be rendered by the Affirmative Action Officer. The objectives of those reviews will be to ensure that a good faith effort is being made in all respects for women and minority individuals; to identify problem areas and to recommend appropriate remedial action to the Chancellor should the necessity arise.
VIII. ORGANIZATIONAL PROFILE (Organizational Chart) (41 CFR 60-2.11(a))

University of Wisconsin-Superior
Academic Year 2012-2013
Organization Chart

Chancellor

Affirmative Action

Administration & Finance
Vice Chancellor

Athletics Director

Academic Affairs
Provost/Vice Chancellor

Faculties Dean

Public Information
Director

University Advancement
Vice Chancellor

Budget Office

Business Services

Public Safety/Parking Services

Environmental Health & Safety

Facilities Management

Human Resources

Institutional Research

Internal Audit

Technology Services
Asst Vice Chancellor (CIO)

UWS Bookstore
‘Jacket Book & Supply

Wessman Arena/Athletic Fields

Campus Life
Vice Chancellor

International Programs

Library Services

Grants Administration

Research Centers

Great Lakes Maritime
Research Institute

Lake Superior
Research Institute

Transportation & Logistics
Research Center

Lake Superior Natural
Estuarine Research Reserve

Academic Affairs
and Outreach
Associate Vice Chancellor

Enrollment Management
Assistant Vice Chancellor

Center for Excellence
in Teaching & Learning

Student Success

Assessment

Graduate Studies

Associate Dean

Center for Academic
Service-Learning

Business & Economics

Human Behavior, Justice & Diversity

Social Inquiry

Educational Leadership

Music

World Languages, Literature & Cultures

Communicating Arts

Math & Computer Science

Visual Arts

Health & Human Performance

Natural Sciences

Writing & Library Science

8/27/12
IX. WORKFORCE ANALYSIS (41 CFR 60-2.12)

To determine whether or not minorities and women are fairly represented in the workforce, their representation is compared to their availability. This process includes four steps:

1. the development of a current workforce analysis;
2. the placement of job titles into job groups;
3. determination of availability of women and minorities within job groups; and
4. a comparison of job groups incumbents to estimated availability.

The workforce analysis provides a listing of each job title in each department or other similar organization unit. The titles are ranked from the lowest paid to the highest paid. The following information is given for each job title: the total number of incumbents, the total number of female and male incumbents, the total number of minority group incumbents, and the total number of female and male incumbents in each racial category. The complete current workforce analysis and summary is presented in detail in Appendix A.

Job Groups

All positions from the workforce analysis are placed into job groups having similar content, wage rates and opportunities. A total of ten (10) job groups were identified broken down into classified, faculty, instructional academic staff and non-instructional academic staff.

Job Group Analysis

Titles within job groups are ranked from the lowest paid to the highest. For each job title, the following information is provided: the total number of incumbents, the total number of female and male incumbents, the total number of racial minority group incumbents, and the total number of female and male incumbents in each of the racial categories. The Job Group Analysis in detail and summary is provided is provided in Appendix B.

- The Professional Classified job groups consists of 26% female incumbents and 7% minorities.
- The Administrative Support job group consists of 94% female with 3% minorities.
- The Technical job group is 108% female with 0% minorities.
- The Service Maintenance job group is 20% female and 6% minority.
- The Administrative Executive job group is 67% female and 0% minority.
- The Researchers job group is 64% female and 7% minority.
- The Assist Director/Program Manager job group is 59% female and 7% minority.
- The Professional Support Staff is 61% female and 9% minority.
- The Faculty job group is 50% female and 15% minority.
- The Teaching Academic Staff job group is 57% female and 1% minority.
X. AVAILABILITY ANALYSIS (41 CFR 60-2.14(b))

The availability analysis calculates the expected participation level of minorities and women in each job group based on the percent of women and racial/ethnic minorities within the population pools from which the University draws employees (local, regional or national, depending on job function). Availability figures were determined using the 2000 census data and is available in summary and detail in Appendix C. Job groups in which the current participation rate is lower than the availability rate is identified in Appendix D and results in placement goals for 2012. Placement goals serve as objectives reasonably attainable by means of applying every good faith effort to make all aspects of the affirmative action plan work and to measure progress toward achieving equal opportunity employment. Appendix E shows the placement goals for 2012.
XI. UTILIZATION ANALYSIS (41 CFR 60-2.15)

The utilization analysis is prepared after availability rates for minorities and women in each job group were established. The percentage of minorities and women participating in each job group is compared with the availability of minorities and women in each job group. Job Group analysis was determined by using the “Rule of Nines”. Underutilization was determined using the 2 standard deviation test for those job groups not violating the Rule of Nines. Job Groups not meeting the “Rule of Nines” were analyzed by comparing incumbency and availability using the 80% Rule. Any job group where the current population rate is lower than the availability rate by one whole person is identified as underutilized. The utilization analysis on the next page identifies which job groups are underutilized for women and minorities at the University of Wisconsin-Superior. (Appendix E shows the placement goals for 2012.)

In summary, the University of Wisconsin-Superior is underutilized for minorities in the Administrative Executives and Teaching Academic Staff Job Groups.
XII. GOALS AND OBJECTIVES BY JOB GROUPS (41 CFR 60-2.16)

It is an annual goal of UW Superior to increase female and minority employment across all job groups. To reach full utilization, the total number of female and minority employees should increase across campus. Underutilization details and goals are presented in Exhibits D and E.

The University has conducted analyses of the workforce, job groups, availability, and utilization analysis. An annual placement goal for women and minorities has been established for each group that is underutilized for women and minorities. The goal is equal to the availability rate for women and minorities in the particular job group. As positions are vacated, the departmental analysis with the job group analysis will be used as an indicator to determine underutilization.

Placement goals are useful as the University continually monitors its progress toward the objectives of the Affirmative Action Plan as well as toward one of the University’s priority goals: to continue to foster a diverse, inclusive, and supportive campus community. The identification of goals is not a rationale or justification for giving a preference to any person, selecting a person, or adversely affecting a person’s employment status on the basis of race, color, religion, sex, or national origin. By continuing to apply good faith effort to implement the affirmative action program, the institution seeks to attain these goals. Placement Goals do not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a Placement goal is designed to be a technical targeting term used exclusively by affirmative action planners who see to apply good faith efforts to increase in the future the percentage employment of minorities and women in a workforce.

Percentage goals for 2011, together with the current percent representation of women and minorities by job groups, are listed in the following table. Groups that are underutilized include:

<table>
<thead>
<tr>
<th>Job Group</th>
<th>Total Workforce</th>
<th>Category</th>
<th>Workforce #</th>
<th>Workforce %</th>
<th>Availability #</th>
<th>Availability %</th>
<th>Placement Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative</td>
<td>24</td>
<td>Minorities</td>
<td>1</td>
<td>4.0</td>
<td>5.0</td>
<td>20.88</td>
<td>4.0</td>
</tr>
<tr>
<td>Teaching AS</td>
<td>69</td>
<td>Minorities</td>
<td>1</td>
<td>1.5%</td>
<td>6.8</td>
<td>9.82%</td>
<td>5.7</td>
</tr>
</tbody>
</table>

UW Superior will make good faith effort to increase employment of female and minorities in all EEO categories, specifically in those categories which are under-utilized in comparison to the availability of female and minorities within the geographic recruiting area.
### XIII. PROGRESS TOWARDS LAST YEAR’S GOALS (41 CFR 60-2.17)

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<td>84</td>
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<td>2</td>
</tr>
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<td>27</td>
<td>6</td>
<td>7</td>
<td>3</td>
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<td>13</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
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<td>9</td>
<td>10</td>
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<td>3</td>
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<td>Researchers</td>
<td>17</td>
<td>14</td>
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<td>Prof Support Staff.</td>
<td>63</td>
<td>56</td>
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<td>34</td>
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<td>5</td>
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<td>1</td>
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<td>Admin Execs</td>
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<td>24</td>
<td>16</td>
<td>16</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>501</td>
<td>465</td>
<td>269</td>
<td>259</td>
<td>41</td>
<td>33</td>
</tr>
</tbody>
</table>

Across all job groups, female representation increased from 54% to 55.7% from 2010 to 2011, and minority representation decreased from 8% to 7% representation across both years. An analysis of the faculty female and minority representation by rank does show that continued progress has been made in more recent years.

<table>
<thead>
<tr>
<th></th>
<th>Females 2010</th>
<th>Females 2011</th>
<th>Minorities 2010</th>
<th>Minorities 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Professor</td>
<td>44</td>
<td>57</td>
<td>23</td>
<td>35</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>25</td>
<td>25</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>Professor</td>
<td>43</td>
<td>35</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>112</td>
<td>115</td>
<td>48</td>
<td>58</td>
</tr>
</tbody>
</table>

Over 77% of women and 76% of minorities are in the Assistant and Associate Professor ranks. Since these two ranks contains the faculty that have been hired in the most recent years it does show that progress is being made in hiring both females and minorities.

For each of the unclassified (faculty and academic staff) positions filled in the period under review, the Affirmative Action Officer and/or Provost met with the chair of the search and screen committee to explain their responsibilities for affirmative action recruitment, screening of applications, and preliminary selection of applicants for interview. Impermissible questions for the interview process, and for contacts made with references, are explained to the entire search and screen committee.

Information on potential recruiting sources of female and minority candidates is provided each search and screen committee, including information on a number of minority web sites. The campus has an annual subscription for HigherEdJobs.com and encourages placement in the minority email distribution list provided through HigherEdJobs.com. Additionally, the campus has an annual subscription to the Upper Midwest HERC (Higher Education Recruitment Consortium) which emphasis on diversity and minority recruitments. The various recruiting sources will be evaluated for effectiveness at the end of the recruitment process. Affirmative Action and Provost approval of the position description, vacancy announcement, the purchase orders for published advertisements, the applicant pool, the short list of candidates for interview, and of the hiring process for the selected candidate is required and was carried out for each of the unclassified positions.
For classified staff positions, the Affirmative Action Officer reviewed and approved interview questions and reviewed the hiring decision, and approved the final hire. The State of Wisconsin Civil Service affirmative action procedures were followed in each search and hire.

New faculty and academic staff are given packets of information explaining affirmative action, equal employment opportunity, and the procedures for dealing with discrimination and sexual harassment complaints. The affirmative action officer meets with the chief administrative officers to discuss affirmative action and equal employment opportunity as needed.

Affirmative action responsibilities are included in the Goals and Objectives statements of administrators in Director and above positions at the beginning of the academic year, and their Job Performance is evaluated in terms of their accomplishment of these Goals and Objectives.

The Affirmative Action Officer works with the Provost to encourage applications for promotion and to monitor the promotion process for women and minority faculty and academic staff.

The University’s mission statement states “The University of Wisconsin-Superior fosters intellectual growth and career preparation within a liberal arts tradition that emphasized individual attention and embodies respect for diverse cultures and multiple voices”. Further, one of the campus’s vision statements reads “The University of Wisconsin-Superior shall be firmly established as a nationally recognized public liberal arts institution where the learning community emphasizes individual attention and promotes intellectual growth, personal development, career preparation, professional studies, and life-long learning in an atmosphere of individual dignity with respect for the diversity of human cultures. To this end, UW-Superior continually engages its students and the larger community in global research and discourse and exposes all too challenging ideas that forge new models of responsible citizenship. UW-Superior will also celebrate its regional climate and multiethnic heritage on a vibrant and beautiful campus.”

The explicit recognition of diversity as a positive campus goal has a significant impact on the changing attitudes about the positive aspects of affirmative action. It is much easier to change behavior when the attitudes towards diversity have changed.
XIV. SEX DISCRIMINATION GUIDELINES (41 CFR 60-20)

The University of Wisconsin-Superior will comply in all respects with Title VII, Part 60-20, regarding the implementation of Executive Order 11246, as amended, to insure equal opportunities for all persons employed or seeking employment with the university without regard to sex.

Job Policies and Practices
Written personnel policies and labor contracts expressly prohibit discrimination based on sex. Employment opportunities, wages, hours and other conditions of employment are established without regard to sex, marital status or parenthood. Fringe benefits, including health and life insurance, are nondiscriminatory.

The University’s policy on sexual harassment is presented in Appendix H.

Discriminatory Wages
All women's wages and salaries have been or will be reviewed for equity and adjustments made wherever appropriate. Wages for women in the classified staff are subject to union nondiscriminatory rules. Salary equity studies for faculty and academic staff are completed periodically and adjustments made as appropriate. Continuing review for equity is a part of the annual review process.

Affirmative Action
Whenever women are under-represented in job groups relative to their availability, hiring goals are established and affirmative action hiring procedures are closely monitored.

XV. GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION AND NATIONAL ORIGIN (41 CFR 60-50)

The University of Wisconsin-Superior will comply in all respects with Title 41, Part 60-50, regarding the implementation of Executive Order 11246, as amended, for promoting and ensuring equal opportunities for all persons employed or seeking employment with the university without regard to religion or national origin. The university will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their religion or national origin. Such action includes, but is not limited to, the following: employment, upgrading, demotion, transfer, recruitment, layoff or termination, rate of pay and selection for training.

XVI. AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF THE VIETNAM ERA AND PERSONS WITH DISABILITIES (41 CFR 60-250, 741)

The University of Wisconsin-Superior will seek to comply in all respects with Title 41, Parts 60-250 and 741, regarding the implementation of 38 USC 4212 of the Vietnam Era Readjustment Act of 1974 and with section 503 of the Rehabilitation Act of 1973 to take affirmative action to employ and advance in employment qualified disabled veterans, veterans of the Vietnam era or other identified military campaigns, persons with disabilities at all levels of employment, including the executive level.
APPENDIX A

WORKFORCE ANALYSIS (41 CFR 60-2.11)
APPENDIX B

JOB GROUP ANALYSIS (41 CFR 60-2.12)
APPENDIX C

AVAILABILITY ANALYSIS (41 CFR 60-2.14(b))
APPENDIX D

INCUMBENCY V. EST. AVAILABILITY ANALYSIS (41 CFR 60-2.11(b))
APPENDIX E

PLACEMENT GOALS (41 CFR 60-2.16)
APPENDIX F

AFFIRMATIVE ACTION/EDUCATIONAL OPPORTUNITY COMMITTEE
The Affirmative Action/Educational Opportunity Committee is the representative of the University community and provides a liaison between the Chancellor, the Affirmative Action Officer, the University community and the local community in all matters concerning Equal Opportunity and Affirmative Action. The Committee has adopted the following guidelines governing its responsibilities:

1. Review information and statistics concerning the University workforce in order to determine areas of underutilization for minority individuals and women.

2. Review goals for the hiring and maintaining of minority individuals and women, and recommend necessary changes.

3. Review retention, promotion, and tenure policies throughout the University to ensure that they are free from bias and make recommendations to remedy any defects identified.

4. Review and make recommendations regarding the update of the Affirmative Action Plan for the University.

5. Review the various reports and analyses prepared by the Affirmative Action Officer.

6. Review any claims of discrimination in personnel practices in accordance with grievance procedures, determine the facts of any case of alleged discrimination, conciliate such matters wherever practical, and advise the Affirmative Action Officer with respect to matters involving possible discrimination.

7. Make such recommendations to the Affirmative Action Officer as it deems necessary to give effect to the letter and spirit of the Equal Opportunity/Affirmative Action Plan.

8. Promote sensitivity and educational experiences in support of the University's Affirmative Action Plan.
APPENDIX G

PROCEDURES FOR EVALUATING ADMINISTRATORS ON THEIR SUPPORT OF AFFIRMATIVE ACTION
PROCEDURES FOR EVALUATING ADMINISTRATORS ON THEIR SUPPORT OF AFFIRMATIVE ACTION COMMITTEE COMPOSITION POLICY

The formal system of evaluating administrators on their support of affirmative action will involve the following components and sequence:

1. Administrators to be evaluated: Administrators who report directly to the Chancellor (members of Chancellor's Cabinet), Academic Department Chairs, and all Directors.

2. All these administrators will be required to submit a Goals and Objectives Statement to their supervisors for the academic/fiscal year at the time of their normal performance review. This Goals and Objectives Statement will include job actions and behaviors supporting equal employment opportunity and affirmative action.

   Supervisors will inform these administrators that the annual evaluation of their job performance the following April will cover their accomplishments vis-à-vis these Goals and Objectives, including the job actions and behaviors supporting equal employment opportunity and affirmative action. Supervisors will review the Goals and Objectives Statements with the administrators at the time of their submission; the equal employment opportunity/affirmative action component will be examined in terms of adequacy and relevance.

   Supervisors will also share their Goals and Objectives with staff reporting to them.

3. In the annual evaluation of the administrators' job performance, their Goals and Objectives Statements will be compared with the Performance Reports that they submit to their supervisors. Discussions of accomplishment of stated objectives concerning equal employment opportunity and affirmative action, problems encountered, or lack of commitment will be noted by the supervisors as part of the annual evaluation.

4. It is expected that this formal procedure will continue on a regular basis annually. Findings will be summarized in the annual Affirmative Action Plan.
APPENDIX H

SEXUAL HARASSMENT POLICY
DISCRIMINATION/SEXUAL HARASSMENT POLICY

Section I. Policy Statement
The University of Wisconsin-Superior will not tolerate discriminatory conduct or sexual harassment by university employees, including administrators, faculty, staff, or by students. To the extent that demeaning or intimidating conduct increases the likelihood for physical violence or breach of the peace, it is contrary to the basic purpose of the university. Employees who engage in discriminatory or sexually harassing conduct as defined in this policy or who retaliate against those filing or assisting in the filing of complaints of discriminatory conduct or sexual harassment, or students who engage in conduct prohibited under chs. UWS 17 or 18, Wis. Adm. Code, will be subject to appropriate disciplinary actions.

Section II: Definitions
A. "Discriminatory Conduct" means intentional conduct by university employees or students, including physical conduct or expressive behavior, that explicitly demeans the race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry, age or other legally protected characteristic of an individual or individuals and (a) has the purpose or effect of interfering with the education, university-related work, or other university authorized activity of a university student, employee, official or guest; or (b) creates an intimidating, hostile or demeaning environment for education, university-related work, or other university authorized activity.

B. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature where: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (b) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or (c) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or demeaning employment or educational environment.

Section III. Informal options for addressing allegations of discrimination and sexual harassment at UW-Superior. Individuals who believe they have been subjected to discriminatory conduct or sexually harassed may go directly to the formal process in section IV or strive for satisfactory resolution through the following informal options in a timely manner. Individuals who are on campus outside of normal work/class hours should contact their immediate supervisor, a member of the administration, or the Affirmative Action Officer.

Option 1: Approach the individual allegedly responsible for the discriminatory acts or sexual harassment for the purpose of discussing and clarifying the offensive experience. It is recommended that this discussion be a private opportunity for persons involved to share their points of view and potentially reach a satisfactory resolution.

Option 2: Write a confidential letter to the individual allegedly responsible for the discrimination or sexual harassment, identifying what happened and when; sharing the feelings experienced; and stating the desired resolution.

Option 3: Consult in a strictly confidential manner with the Affirmative Action Officer appointed by the Chancellor.

1. Responsibilities of the Affirmative Action Officer include:
   a. Helping individuals who claim discriminatory acts or sexual harassment to clarify their perceptions of the offensive behavior/act;
   b. Delineating the various courses of action available to individuals who may have been discriminated against or sexually harassed; or
   c. Referring individuals to professional counseling for additional guidance/support;
   d. Assisting individuals who claim discriminatory act or sexual harassment in communicating with the individual allegedly responsible for the discriminatory acts or sexually harassing act(s), either in writing or in person, where either one or both seems warranted OR act as an intermediary in cases where the complainant wishes to remain anonymous;
e. Providing follow-up with individual who claims discriminatory acts or sexual harassment if the individual has taken the initiative in attempting resolution of the incident(s); and
f. Maintaining communication with the Affirmative Action office so a developing pattern may be recognized and so record-keeping can be maintained.

2. No sanctions or disciplinary action against the accused may be established by the Affirmative Action Officer.

Option 4: Bring an allegation of discrimination or sexual harassment to the Affirmative Action office for investigation and review. The Affirmative Action Officer will investigate the allegation within the following limits:

1. The Affirmative Action Officer will be present, at the request of the individual making the allegation, in all meetings involving that individual.
2. At the option of the individual making the allegation, his/her identity will be kept confidential to the extent possible in an investigation.
3. In the attempt to achieve resolution, the Affirmative Action Officer may talk to the individual against whom the allegation is made. The purpose of this discussion will be to allow the individual to respond to the allegation. Should he/she respond that the allegation is based on fact, the Affirmative Action Officer will inform him/her of the implications of the behavior and attempt to resolve the issue to the mutual satisfaction of both parties and to the university.
4. If a resolution has not been effected and the merits of the issue warrant further consideration, the Affirmative Action Officer will serve as a mediator in attempting to achieve resolution, which may include discussions with the complainant, the alleged harasser, his/her supervisor, other line supervisors, the Chancellor, System Legal Counsel and, depending upon the department housing the complainant and the alleged perpetrator, the Vice Chancellor, the Assistant Vice Chancellor, and the Dean of Students. At this point, strict confidentiality will no longer be possible.
5. If the matter has been resolved, a written, signed, record of the resolution will be show to both parties and kept in a confidential file in the Affirmative Action Office for five years commencing on the date the form is filed. The content of the confidential file will be available only to the Affirmative Action Officer, Chancellor, complainant, alleged perpetrator, and, depending upon the department housing the grievant and respondent, the Vice Chancellor, Assistant Vice Chancellor, or Dean of Students.
6. If no informal resolution is agreed upon, the complainant has the option of withdrawing the complaint or filing a formal complain as follows.

Section IV: Formal complaint procedures for addressing allegations of discrimination and sexual harassment at UW-Superior. If a satisfactory resolution cannot be achieved using the informal procedures listed or if anyone involved in a discriminatory or sexual harassment situation wishes to bypass the informal procedures, the following formal procedures are available.

A. A written complaint can be filed up to five years from the date of the alleged incident. In cases of ongoing or repeated discrimination/harassment, the 5 years can be counted from the last incident. Nevertheless, it is recommended that a complaint be filed as close to the date of the alleged incident as possible. Complaints may be accepted beyond this period at the discretion of the Affirmative Action Officer, with the concurrence of the Chancellor, if the complainant can demonstrate a compelling reason for the delay in bringing forward the complaint. Complainants should be aware that separate deadlines exist, usually 180 or 300 days, for filing complaints with agencies outside the University.

1. If the complainant pursues a complaint with the assistance of a Department Chair, Dean, Director, or immediate supervisor, (hereafter referred to as University agent), the following procedure will be employed:
   a. At the time the complainant initially contacts the University agent, he or she will be informed of the availability of a resource person.
   b. At the time the complainant initially contacts the University agent, he or she will be informed of the agent of the University’s responsibility to act once knowledge of allegations of discrimination/harassment are in that agent’s possession and of the possible limitation on
confidentiality that may thus result once those allegations have been made.
c. The University agent will inform the office of Affirmative Action of the complaint in no more than five (5) working days from the initial contact for the purpose of maintaining statistics, providing assistance to the parties involved, and avoiding needless duplication or complicating initiatives should the circumstances of the complaint have come to the attention of the Office of Affirmative Action as well.
d. The University agent shall investigate and attempt to resolve the case in no more than twenty (20) working days from initial contact. In the event that the investigation cannot be completed within the time frame, the University agent, with substantial reasons, may request an extension of 20 working days from the Chancellor. The request can be repeated once more for a total of 60 days, if necessary.
e. In no more than three (3) working days from the resolution of the complaint, the University agent shall inform the Office of Affirmative Action of the outcome. This information shall be kept in confidential files in the Office of Affirmative Action for the purpose of tracking complaint patterns.
f. The complainant need not exhaust this resolution procedure before filing a complaint with the Office of Affirmative Action.
g. Written notice must be provided to all parties of any departure from these procedures.

2. If the complainant pursues the complaint with the assistance of the Office of Affirmative Action and the matter is not resolved informally, the following procedure will be employed:
   a. At the time the complainant contacts the Office, he or she will be informed of the availability of a resource person and of psychological services through either the Student Health Service or the Employee Assistance Plan.
   b. Within three (3) working days of the filing of the complaint, a copy of that complaint will be forwarded to the complainant, the respondent and the Chancellor. Other University agents will be included on a need to know basis only at the discretion of the Affirmative Action Officer. This copy is for informational purposes only and is not to become part of any permanent personnel files.
   c. The office, through the following appropriate committee, will complete an investigation within ninety (90) working days of the date the complaint is filed. Only permanent employees who hold at least a 50% appointment with UW-Superior may serve on any of the committees.
      [1] If the complaint is against a faculty member, the complaint shall be sent to the Faculty Personnel Council.
      [2] If the complaint is against an academic staff member, the committee shall consist of at least two academic staff members appointed by the Academic Staff Senate and one Academic Staff member or Administrator appointed by the Chancellor at the beginning of each academic year and ratified at the Academic Staff Senate general meeting.
      [3] If the complaint is against a member of the classified staff, the committee shall consist of members appointed by the Chancellor and shall be composed of 3 members including one faculty and one classified staff member appointed by the appropriate union.
      [4] If the complaint is against a student, the committee shall consist of members appointed by the Chancellor and shall be composed of at least 3 members including the Dean of Students and one faculty member.
   d. The committees will follow the University of Wisconsin-Superior Investigating Guidelines for Formal Complaints of Discrimination/Sexual Harassment.
   e. Within three (3) working days of the conclusion of the investigation, the Committee/office shall transmit the findings and recommendations of the investigation to the complainant and the respondent, to those individuals initially informed of the formal complaint, and to any other University agents involved in the resolution of the case. If the resolution involves recommendations that affect employees' conditions of employment or remuneration, the office shall transmit the findings and recommendations of the investigation together with supporting documentation to the Chancellor or the Chancellor's designee within three (3) working days. If the resolution involves recommendations that affect students' conditions of enrollment or conduct on campus, the office shall transmit the findings and recommendations of the investigation together with supporting documentation to the Dean of Students. The Chancellor (or designee) or the Dean of Students will make a decision with regard to the recommendation and inform the complainant.
respondent and Office of Affirmative Action within twenty (20) working days.
f. Decisions of the Chancellor or Chancellor’s designee may be appealed. Procedures governing
appeals and requisite time lines vary with a person’s employment status and with whether or
not dismissal is the discipline being recommended. Employees are referred to UW-S Faculty and
Academic Staff Polices and Procedures Handbook, The Wisconsin Administrative Code and
relevant collective bargaining agreements. Students are referred to Chapters 17 and 18, The
Wisconsin Administrative Code.
g. Except in cases of dismissal where extant procedures may dictate differently, the Chancellor will
make a final disposition within ten (10) working days of receipt of the findings and
recommendations of the body hearing the appeal. A summary of that disposition will be forwarded
to the hearing body, the complainant, the respondent, the Office of Affirmative Action and the
University agents notified at the initiation of the complaint.
h. Written notice must be provided to all parties, including the resource person of any departure from
these procedures and/or time lines.
i. The Office of Affirmative Action is responsible for keeping the involved parties, including third
parties with standing in the case, of the status of the complaint throughout the entire process from
the initial filing to its resolution.

B. External redress: Complainants may choose to consult with or pursue external redress with state/federal
agencies dealing with these issues or with the judiciary system. The Office of Affirmative Action will provide
information for pursuit of external redress upon request.

Section V. Implementation and evaluation of the UW-S Discrimination/Sexual Harassment Policy

A. Publicity/education: All students, faculty, staff, and other employees will be informed of campus policy and
procedures regarding discrimination/sexual harassment. The Office of Affirmative Action and the Affirmative
Action/Equal Opportunity Committee share the duty of coordinating and supporting these activities.

B. Maintenance of data: The Office of Affirmative Action will maintain confidential records of the number of
complaints, the nature of complaints, the general demographic characteristics of those filing complaints, and the
disposition of complaints. An annual summary report of these data will be submitted to the Chancellor and
reported by the Chancellor or his or her designee to the University community including the Affirmative
Action/Educational Opportunity Committee, the Faculty Senate, the Academic Staff Council, the Graduate
Council, the Student Senate and WSEU Local 42 by the beginning of each fall semester.

C. Confidentiality: Due to the sensitive nature of discrimination/sexual harassment cases, all parties involved
are expected to strive to maintain confidentiality and to share information relevant to a case on a â€œneed to
knowâ€ only. Absolute confidentiality cannot be guaranteed.

D. Sanctions: The range of sanctions invoked in cases of discrimination/sexual harassment, depending on the
nature of the complaint and whether or not the respondent has been warned or disciplined in the past, may
include but are not limited to: verbal or written reprimand, change in teaching or work responsibilities, change in
class attendance or contact, suspension with or without pay for a specified period of time, suspension from
University classes, or dismissal. Disciplinary action for repeated harassment will become progressively more
severe and may lead to dismissal. This provision does not preclude a severe sanction for a first offense, however,
if justified by the circumstances.

E. Evaluation: UW-S’s Policies and Procedures relating to discrimination/sexual harassment will be
reviewed annually and redrafted if necessary by the Affirmative Action/Educational Opportunity Committee for
presentation to the Chancellor for approval if there are minor changes. Substantial changes will be made through
the usual approval forums.

APPROVED BY CHANCELLOR ON OCTOBER 29, 2001
APPENDIX: Definitions

A. Discriminatory conduct

1. Discriminatory conduct is defined as:
   a. conduct, either verbal or physical by a member of the faculty, staff or student body,
   b. which occurs on property under the jurisdiction of the Regents or under circumstances where an
      affiliation with UW-Superior significant in the occurrence; and
   c. is predicated on considerations of any of the following: race, color, national origin, creed, ancestry,
      sex, sexual orientation, age, religion, disability, or other status protected under law; and
   d. which has the purpose and effect of adversely affecting any aspect or condition of an individual’s
      education, employment, housing or participation in a university activity.

2. Discriminatory conduct may include:
   a. intimidating physical contact or attacks for discriminatory reasons.
   b. intimidation for discriminatory reasons through threat of force or violence on an individual’s
      body, possessions, or residence.
   c. patterns of expressive behavior as defined in the following:
      (1) demeaning verbal and other expressive behavior in noninstructional settings:
         (a) addresses or directs to a university employee(s) or student(s) epithets, comments or
             gestures that explicitly demean the gender, race, cultural background, ethnicity, sexual
             orientation, or handicap of a specific person(s), if:
             [1] the gestures, comments, or epithets would be commonly considered demeaning
                to members of that group, and
             [2] repetition of such conduct either [i] interferes with the work or study
                performance of person(s) to whom the conduct is addressed or directed, or [ii]
                creates an environment that would be commonly considered hostile, intimidating, or
                demeaning to members of the targeted group.
         (b) displays visual materials, alters visual material displayed by others or makes
            statements if:
             [1] the intent of the actor is to interfere with the work or study performance of a
                University employee or student or to make the work or study environment hostile,
                intimidating, or demeaning to persons of a particular gender, race, cultural
                background, ethnicity, sexual orientation, or handicap,
             [2] such displays, alterations, or statements are commonly considered to be
                demeaning to members of that group,
             [3] the person making the display, alteration or statement had previously been asked
                not to engage in such conduct or conduct of substantially the same kind,
             [4] the display, alteration, or statement either
                [i] seriously interferes with the work or study performance of a University
                    employee or student, or
                [ii] creates an environment that would be commonly considered hostile, intimidating, or
                    demeaning to member of the targeted group.
      (2) demeaning verbal and other expressive behavior in instructional settings.
         Definitions used in above explanation.
         [1] An instructional setting is a situation in which an instructor is communicating
             with a student(s) concerning matters the instructor is responsible for teaching to the
             student(s). These situations include, but are not limited to, such communication in a
             classroom, in a laboratory, during a field trip, and in the instructor’s office; advising
             and counseling situations are not included.
         [2] Expressive behavior is conduct in an instructional setting through which an
             instructor seeks to communicate with students. It includes, but is not limited to, the
             use of visual materials, oral or written statements, and assignment of visual
             materials, oral or written statements, and assignment of visual, recorded, or written
             materials.
         (a) Protected Expressive Behavior
         [1] An instructor’s selection of instructional materials and teaching techniques shall
not be a basis for discipline unless an authorized hearing body finds clearly unreasonable the instructor’s claim that the materials or techniques are germane to the subject of the course.

[2] If an instructor claims that expressive behavior constituted an opinion or statement germane to the subject matter of the course in which the behavior occurred, the behavior shall not be basis for disciplinary action unless an authorized hearing body finds the instructor’s claim clearly unreasonable.

(b) Unprotected Expressive Behavior Subject to Discipline

An instructor’s expressive behavior in an instructional setting may be the basis for discipline if any claims that the behavior is protected under III, B, 2, have been rejected, and [1] the behavior is commonly considered to be demeaning to persons of a particular gender, race, cultural background, ethnicity, sexual orientation, or handicap group, [2] the person engaging in such conduct has previously been asked not to engage in such conduct or conduct of substantially the same kind, [3] the conduct either [i] interferes with the academic work of a student(s) in the course, or [ii] creates an instructional setting that would be commonly considered hostile, intimidating, or demeaning to members of the targeted group.

B. Sexual harassment is defined in two different ways. First, there is what is most commonly thought of as the legal definition: what the law, courts and federal enforcement agencies define as illegal sexual discrimination. Second, there is the behavioral definition

1. Legal definition:

The definition developed by the Equal Employment Opportunity Commission in its 1984 guidelines, is relied upon by many courts in making their decisions. The EEOC definition follows, with additional wording to reflect coverage of students under Title IX of the Education Amendments of 1972: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or academic advancement;

b. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual’s employment or academic standing; or

c. such conduct has the purpose or effect of unreasonably interfering with a person’s work or academic performance or creating an intimidating, hostile or offensive work, learning or social environment.

Courts have called the first two conditions quid pro quo harassment and the third condition hostile environment harassment. Federal regulations set a broad scope of liability which purports to make employers absolutely responsible for the actions of supervisors and, in some cases, for the actions of employees and non-employees as well. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature will be considered harassment within two major categories:

(1). Quid Pro Quo - When a faculty member or supervisor's behavior creates the perception in the mind of a student or subordinate that the granting or withholding of tangible academic or job benefits shall be based on the granting of sexual favors.

(2). Hostile Work or Learning Environment--includes four levels.

   Level One: Sex Role Stereotyping - Includes gender discriminatory assignments of roles, functions or duties of a demeaning nature. Examples include the assignment of non-job or non-class related duties such as errand running, coffee making, or a female supervisor required to take staff minutes.

   Level Two: Generalized Gender Harassment - Includes intentional behavior that is directed at a specific gender, which may be visual or verbal. Examples include negative or sexual comments, jokes, suggestions or gestures about gender, sex, nudity, or pornography.

   Level Three: Individualized Targeted Harassment - Includes intentional behavior predicated on gender which is targeted at an individual or a specific group adversely affecting the work or learning environment. Examples include negative or offensive comments, jokes, suggestions, or gestures directed to an individual's or group's gender or sex; or unwanted physical touching of a
non-criminal nature.

*Level Four: Criminal Touching* - Is behavior of a criminal sexual nature. Examples include forcible sexual abuse; intentional touching of the buttocks or genitals of a male or female, breasts of a female, or taking indecent liberties with another.

(3). **Standards of Liability** - Employers will be held liable for acts of supervisors and agents, regardless of whether the acts were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. Thus, an employer may be held liable even if the employer had no knowledge of the actions. Further, the employer may be held liable for actions of other employees and non-employees.

2. **Behavioral definition:**
   a. the behavior is unwanted or unwelcome
   b. the behavior is sexual or related to the sex or gender of the harassed person
   c. the behavior occurs in the context of a relationship when one person has more formal power than the other (such as a supervisor over an employee or a faculty member over a student) or more informal power (such as one peer over another)
Policy of Consensual and Amorous Relations

Students should be free to develop relationships that supplement formal classroom instruction, and employees should be free to develop friendships and engage in social contact with supervisors and fellow employees. In most cases, social interaction among supervisors and employees, between fellow employees, and among faculty and staff members and students will benefit the entire academic community by promoting the interchange of ideas, building mutual trust and respect, facilitating communication, and reducing misunderstandings.

However, when a person in a position of power and authority abuses or appears to abuse that position, mutual trust and respect are lost and the academic environment suffers UW-Superior faculty, staff members, and supervisors exercise power and authority over UW-Superior students and employees over whom they have current or potential evaluative, supervisory, instructional, or other professional responsibility. This inherent power imbalance makes consent within any sexual or amorous relationship between a supervisor and employee or between a faculty or staff member and student suspect, and may impede the real or perceived freedom of the student or employee to thereafter terminate or otherwise alter the relationship. The relationship may create real or apparent impropriety, loss of objectivity, and a conflict of interest in any evaluative, supervisory, instructional, or other professional role which the faculty or staff member may have, or may develop in relation to the student or employee, and may expose the individual faculty or staff member, as well as UW-Superior, to possible legal charges and liability.

Therefore, to avoid the breakdown of mutual trust and respect, which may result within the academic community from such sexual or amorous relationships,

It is the policy of the University of Wisconsin-Superior that:

1. Commencement, upon either person’s initiative, of a sexual or amorous relationship between a UW-Superior faculty or staff member and a student with respect to whom such faculty or staff member has current professional responsibility shall be prohibited.

An amorous relationship shall be defined as a personal relationship that a reasonable person would consider to be amorous in nature.

Sanctions:

Any faculty or staff member who engages in a sexual or amorous relationship with a student shall be subject to counseling, reprimand, probation, suspension, or discharge.

Remediation:

Any UW-Superior faculty or staff member who nevertheless engages in a sexual or amorous relationship shall be required to remove him or herself from any evaluation of the student and from any actual or apparent activity or decision which may or may appear to reward, penalize, or otherwise affect the student, and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the student, or to other members of the University community from any such sexual or amorous relationship. It shall also be the responsibility of the administrative head of the faculty or staff member’s academic or administrative unit, if he or she is made aware of the relationship, to assure that the foregoing steps are taken.

A student shall not be subject to sanction for such a relationship. Reasonable arrangements shall be made, if feasible, to prevent interference with the student’s educational opportunities. A student employee may be transferred from one position to a similar one, without demotion or other adverse effect on the benefits, terms, or conditions of employment.

If the relationship exists or existed before any current professional responsibility arose for the faculty or staff member in relation to the student, the faculty or staff member shall be prohibited from thereafter undertaking professional responsibility for the student with whom he/she has or had a sexual or amorous relationship. In no case, however, shall such prohibition result in a demotion or otherwise adversely affect the benefits, terms, or such conditions of employment. In
the case of the student, reasonable alternative arrangements shall be made, if feasible, to prevent interference with educational opportunities.

Any arrangements made to remediate this relationship do not exempt the faculty or staff member from potential sanctions.

2. a. Sexual or amorous relationships between a faculty or staff member and a student to whom the faculty or staff member does not have a current professional responsibility are strongly discouraged.

b. Sexual or amorous relationships between a supervisor and a non-student employee to whom such supervisor has current or reasonable foreseeable professional responsibility are strongly discouraged.

Where such a relationship exists, previously existed, or develops, it shall be the responsibility of the supervisor and his/her supervisor, to remove the supervisor from any evaluation of the employee, and from any activity or decision which may or may appear to reward, penalize, or otherwise affect the employee, and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the employee or to other members of the College community from any sexual or amorous relationship. An employee shall not be subject to sanction for such a relationship. The supervisor or employee may be removed or transferred from a position (without demotion or adverse effect on the employee’s benefits, terms or conditions of employment) which gives the supervisor the power to evaluate, reward, penalize, or otherwise affect the employee.

3. If a student makes a complaint of sexual harassment against a faculty or instructional staff member which arises from a sexual or amorous relationship between the faculty or staff member and the student, the faculty or staff member shall have the burden of proving by a preponderance of the evidence that the relationship was entirely consensual and uninfluenced by the faculty or staff member’s professional relationship with the complainant. If a sexual harassment complaint is made by a third person with respect to the sexual or amorous relationship of a faculty or instructional staff member and student who is not the complainant, consent to the relationship between the faculty of staff member and the student shall not constitute a defense to the third person’s complaint, in so far as the allegations concerning the relationship between the faculty or staff member and student support the complaint of the third person.

Approved Faculty Senate: 3/26/02
Approved Academic Staff Senate: 4/09/02
APPENDIX J

FLEX-TIME SCHEDULING
FLEXIBLE SCHEDULING

Wisconsin statutes 230.215, 1977 and Collective Bargaining Agreements provided a basis for flexible scheduling on this campus.

These guidelines are intended to establish parameters within which departments or activities may develop plans for flex-time scheduling. All proposals must be reviewed by the appropriate Chair or Director for conformance to these guidelines.

Basically, flexible scheduling may be considered in the following categories:

Flex-time

This is a technique of scheduling work where fixed hours for arrival, departure and lunch breaks are replaced by a work day split into two different types of time periods. The main period during which staff must be at their jobs except for lunch breaks is called "core hours". The other period is made up of flexible hours at the beginning and end of the day.

Subject to departmental approval, employees may decide for themselves when, within the flexible hours, they arrive at and leave work. Employees will be responsible to have worked the required number of hours during the work week.

Deviated Work Week

This is technique of scheduling work which enables a full-time employee to complete the basic work requirement of 40 hours typically in less than five full work days during the work week.

Plans submitted for approval should reflect that the objectives listed below have been considered:

1. Efficiency may be improved.
2. Increase the flexibility of both employees and management in meeting irregular scheduling needs.
3. Removal of artificial barriers to the employment of individuals who by life circumstances cannot conform to a "standard" work schedule.
4. Improve the quality of the work atmosphere and the spirit of cooperation between management and staff.
5. Improve service levels to clientele.
6. Increase energy conservation efforts.

In the preparation of plans for flexible scheduling, the limitations listed below must be considered:

1. Service to clientele will not be adversely affected.
2. Staffing coverage for administrative and academic offices will be available for the statutory required hours of 7:45 AM to 4:30 PM.
3. Work deadlines will be maintained and met.
4. Deviated work scheduling will be limited to the maximum period beginning on the first Sunday following the end of the spring semester to the Saturday previous to the start of the fall semester because of staff demands while the University is in full operation during the academic year.
5. Overtime or compensatory time pay will not be generated.
6. Additional staff resources will not be required.
7. Unpaid lunch period should be a minimum of thirty (30) minutes. Rest periods (breaks) will not be used in shortening work hours.
8. Security and safety of employees and offices must be maintained.
9. Participation by employees will be voluntary.
10. Adequate supervision will be maintained.

11. Two (2) fifteen (15) minute breaks per day will be scheduled equally between the commencement and conclusion of a shift if no unpaid lunch break is scheduled.

Each department wishing to adopt a flexible schedule must submit a written plan. Plans must include the following components: (1) hours of work; (2) employee participation; (3) scheduling; (4) time-keeping. Minimal standards for each component are as follows:

1. Hours of work:
   
   (a) The standard basis of employment for full-time employees using flexible scheduling will be 40 hours per week.
   
   (b) Specific core hours when all employees must be at work must be designated. Basically, the core hours for the regular day shift will be 9:00 AM to 3:30 PM; evening shift 4:00 PM to 10:30 PM; and night shift 12:00 Midnight to 6:30 AM. Irregular shifts will establish core hours of not less than six hours, with a two hour flex-time provision at the beginning and end of the shift. In cases where more than one shift is involved in flex-time, overlap of shifts must, if possible, be avoided. Supervisors must insure that 50% of a shift is available during non-core hours. Any employee wishing to begin at 5:00 AM must so notify his/her supervisor at least one week in advance.
   
   (c) The hours that an office or daytime activity will be open, must be identified and should be limited to between 6:00 AM and 6:00 PM.
   
   (d) The maximum standard working day for an individual employee will be limited to ten (10) hours.

2. Employee participation:
   
   (a) The use of flexible scheduling is optional and may be requested by eligible employees only after the units plan has been approved by the appropriate Chair or Director.
   
   (b) Eligible employees must be identified in the plan.
   
   (c) The supervisor is responsible to ensure that all eligible employees are informed of all options and requirements in the plan.
   
   (d) It is the responsibility of the unit head or supervisor to determine staffing and workload requirements and to notify employees prior to scheduling deadlines. This individual must designate a minimum number of persons to be available for duty during regular office hours (7:45 AM to 4:30 PM) or any other time of day when business is normally conducted.
   
   (e) Employees must be available to meet workload requirements and be available for scheduled conferences and meetings.
   
   (f) Unless required by the unit head or supervisor, no employee eligible to earn overtime or compensatory time will work beyond 40 hours per week.
   
   (g) Procedures for resolving scheduling conflicts may be referred to the Labor-Management Committee.
   
   (h) Participating employees must record the actual hours worked on time sheets.
   
   (i) Absences resulting from vacation, sick leave, and personal holiday, or compensatory time, will be reported for the same number of hours as the employee would normally be scheduled to work on the days of absence.
   
   (j) For employees on a deviated work week, any absence during the approved work schedule cannot be made up by working on their normal day off. They must charge vacation, sick leave, personal holiday, compensatory time or leave without pay for any missed time.
(k) Employees who choose the deviated work week will have the option of remaining on the deviated work week schedule or reverting to a regular eight (8) hour shift during those weeks when a paid holiday occurs. Such election shall be made in writing to the supervisor in the week before the holiday, and a copy sent to payroll.

For those employees on a deviated work schedule (working 9 or 10 hour day), if a holiday falls on a scheduled work day, the employee may take one or two hours of vacation, floating holiday, or accrued compensatory time. Or, with the approval of the supervisor, the employee may schedule to work the additional hours during the week of the holiday. This provision can only be implemented if it does not create overtime.

Unit heads and/or supervisors will be responsible for ensuring that all hours are properly and accurately recorded.

Departments or activities wishing to participate in flexible scheduling will file a written plan listing the components enumerated above. Plans must be submitted at least ten (10) working days prior to planned or actual implementation. They should include the names of all employees affected, regardless of their participation in flexible scheduling. When approved, the Chair or Director will refer the plan to the Office of Human Resources for review of union contract implications and approval. Once the plan has been approved by all concerned, the department or activity will be authorized to begin.

If at any time a supervisor feels that the operation is adversely affected, the plan will be reviewed at the Labor/Management meetings for revision.
APPENDIX K

ACCOMMODATION OF RELIGIOUS BELIEFS
ACCOMMODATION OF RELIGIOUS BELIEFS

UWS 22.03

1. A student shall be permitted to make up an examination or other academic requirement at another time or by an alternative method, without any prejudicial effect, where:
   a. There is a scheduling conflict between the student's sincerely held religious beliefs and taking the examination or meeting the academic requirements; and
   b. The student has notified the instructor, within the first three weeks of the beginning of classes (within the first week of summer session and short courses) of the specific days or dates on which he or she will request relief from an examination or academic requirement.

2. Instructors may schedule a make-up examination or course requirement before or after their regularly scheduled examination or other academic requirement.

3. Instructors shall accept, at face value, the sincerity of students' religious beliefs.
APPENDIX L

COMMITTEE COMPOSITION POLICY
COMMITTEE COMPOSITION POLICY

May 1986 University Senate

The Affirmative Action officer shall examine the proposed membership of all standing University committees to ensure that each committee includes, whenever practical, at least one person of each gender and is racially balanced. The Affirmative Action Office shall review the proposed composition of all other standing, ad hoc, and search and screen within three days of committee appointment. All University-wide committees shall include, where practical, at least one person of each gender and be racially balanced. "Where practical" means that where an academic or administrative area includes one or more minority group members, an effort should be made to include a minority group member on all committees, workload permitting. It is expected that all program committees be balanced as to gender and race, where practical.

February, 1994, Amendment

If a committee is not racially or gender represented, the Chancellor, in consultation with the Vice Chancellor for Academic Affairs, will appoint, whenever possible, an additional member in order to conform to the 1986 policy.
APPENDIX M

AMERICANS WITH DISABILITIES REASONABLE ACCOMMODATION
REASONABLE ACCOMMODATIONS

Policy Statement

It is the policy of the University of Wisconsin Superior that qualified individuals with disabilities not be discriminated against because of their disability in regard to job application procedures, hiring, and other terms and conditions of employment. It is further the policy of UW-Superior to provide reasonable accommodations to qualified individuals with disabilities in all aspects of the employment process.

The University of Wisconsin Superior is prepared to modify or adjust the job application process or the job or work environment to make reasonable accommodations to the known physical or mental limitations of the applicant or employee to enable the applicant or employee to be considered for the position he or she desires, to perform the essential functions of the position in question, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, unless the accommodation would impose an undue hardship or pose a direct threat of substantial harm to the health or safety of the applicant, employee or others.

I. Definitions

A. The term disability means, with respect to an individual:
   1. a mental or physical impairment which substantially limits one or more of the major life activities of such individual;
   2. a record of such impairment; or
   3. being regarded as having such an impairment.

The following conditions are excluded from the definition of disability: homosexuality, bisexuality, transvestism, pedophilia, exhibitionism, voyeurism, compulsive gambling, kleptomania, pyromania, gender identity disorders, current psychoactive substance use disorders, and other sexual behavior disorders.

For purposes of this policy, the term "disability" is used with the understanding that it has the same meaning as "handicap" in state and federal law. (See State Fair Employment Act [s. 111.32 (8)]; Section 504 of the Federal Rehabilitation Act and 45 CFR 85.3; Americans with Disabilities Act and 29 CFR 1630).

B. The term major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

C. The term qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

D. The term reasonable accommodation means a modification or adjustment to a job, the work environment, the job application process, or the way things are usually done that enables a qualified individual with a disability to perform the essential functions of the job and to enjoy an equal employment opportunity. Reasonable accommodation includes, but is not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assisting devices or equipment, providing readers or interpreters, and modifying examinations, training materials or policies.

II. Requesting Accommodations

A. Applicants for Employment

1. All UW Superior position announcements will contain the statement, "It is the policy of the University of Wisconsin System Administration to provide reasonable accommodations to qualified individuals with a disability who are applicants for employment or employees."
2. Each applicant invited for an interview shall again be informed of the University of Wisconsin Superior policy requiring reasonable accommodations to be provided in the hiring process.

3. All applicants should make requests for accommodations through the contact person as identified in the vacancy announcement. When requested by an applicant with a disability, the University of Wisconsin Superior is prepared to modify or adjust the job application process to make reasonable accommodation to the known physical or mental limitations of the applicant to enable the applicant to be considered for the position he/she desires.

4. Each applicant is responsible for making timely and complete disclosures and specific requests regarding accommodations to meet his or her particular needs in order to enable UW Superior to provide an appropriate response. It is strongly recommended that requests for accommodations be made as soon as possible to avoid delays in providing reasonable accommodations.

5. An interviewer may not ask an applicant whether or not he/she has a disability. This includes both physical and psychological disabilities. If the applicant volunteers information about a disability, the interviewer shall not ask any questions relating to the nature or extent of the disability or whether treatment will be necessary.

6. With respect to the ability to perform required job duties, an interviewer may ask each applicant whether or not he/she is able to perform the essential functions of the job applied for with or without reasonable accommodation.
   a. If an applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job but does not volunteer comment on the need for accommodation, then no inquiry shall be made about the need for an accommodation.
   b. If, however, the applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job and does volunteer the need for an accommodation, the interviewer may ask the applicant how he/she will perform the essential functions of the position and what accommodation will be necessary.

B. Current Employees or Applicants Offered Jobs

1. To request a reasonable accommodation, an employee or applicant offered a job is required to submit a written statement to the UW Superior ADA Coordinator. The written statement must identify the nature of the claimed physical or mental disability, identify the functional limitations with respect to the disability, and identify the requested accommodation(s).

2. An individual who identifies him/herself as having a disability and requests a reasonable accommodation may be required to provide documentation, including medical records, sufficient to establish the existence of the claimed physical or mental impairment and the need for accommodation. The information should be appropriately current and have been prepared by a qualified professional. The employee or applicant offered a job must bear the cost of this initial verification of a disability.

3. The University of Wisconsin Superior may require an employee or applicant offered a job who is requesting a reasonable accommodation to undergo further testing or evaluation by qualified professionals to verify or further establish the claimed disability, the need for an accommodation, and to provide a basis upon which a reasonable accommodation can be developed or implemented. The cost of such evaluation will be paid by UW Superior.

4. If an employee is having difficulty performing his/her job, the supervisor, in consultation with the ADA Coordinator, should inform the employee of the existence of UW Superior's policy to provide reasonable accommodations.