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## NU-Website-BOR-Policies-3.1

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## Chapter 3. Terms and Conditions of Employment

### RP-3.1 Equal Opportunity/Affirmative Action

#### **RP-3.1.1 Nondiscrimination on the Basis of Individual Characteristics—Employees**

Employees on each campus of the University of Nebraska shall be employed and equitably treated in regard to the terms and conditions of their employment without regard to individual characteristics other than qualifications for employment, quality of performance of duties, and conduct in regard to their employment in accord with University policies and rules and applicable law.

NOTE: The portion of this policy pertaining to students is at RP-5.1.1

Reference: BRUN, Minutes, 54, p. 145 (May 12, 1989).

#### **RP-3.1.2 Policy for Americans with Disabilities**

##### 1. References

- a. University of Nebraska Handicapped Accessibility Guidelines, June 30, 1978, Executive Council.
- b. Federal Register, Volume 42, No. 86; May 4, 1977; Part IV; Department of Health, Education, and Welfare, 45 CFR Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- c. Federal Register, Volume 56, No. 144; July 26, 1991:
  - 1) Part II; Department of Justice, 28 CFR Part 35 [Order No. 1512-91]– Nondiscrimination on the Basis of Disability in State and Local Governments, Final Rule.
  - 2) Part III; Department of Justice, 28 CFR Part 36 [Order No. 1513-91] - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.
  - 3) Part V; Equal Employment Opportunity Commission, 29 CFR Part 1630 - Equal Employment Opportunity for Individuals with Disabilities, Final Rule.
- d. The Americans with Disabilities Act Title I Technical Assistance Manual, January 24, 1992, U.S. Equal Employment Opportunity Commission.
- e. The Americans with Disabilities Act Title II Technical Assistance Manual, January 24, 1992, U.S. Department of Justice, Civil Rights Division, Office of the Americans with Disabilities Act.
- f. Title II Highlights, U.S. Department of Justice, Civil Rights Division, Office of the Americans with Disabilities Act.

##### 2. Definitions

- a. Americans with Disabilities Act (ADA). An act of Congress providing comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

- b. Title I. Refers to that portion of the ADA pertaining to employment practices, or to the standards and regulations implementing this portion of the act, adopted by the agency responsible for its enforcement.
- c. Title II. Refers to that portion of the ADA pertaining to state and local government services, or to the standards and regulations implementing this portion of the act, adopted by the agency responsible for its enforcement.
- d. Public Entity. Any state or local government or any department, agency, or other instrumentality of a state or local government.
- e. Structural Modification. Any action involving changes to existing facilities which is directed toward the removal of architectural barriers, including communications barriers, which are structural in nature.

### 3. Purpose

- a. The purpose of this document is to set forth the policy of the Board of Regents to promote compliance with Title I and Title II of the Americans with Disabilities Act.
- b. The University of Nebraska has maintained a program of nondiscrimination on the basis of disability since the implementation in 1977 of regulations pertaining to the Rehabilitation Act of 1973.
- c. The Americans with Disabilities Act of 1990 (ADA) also addresses nondiscrimination on the basis of disability in much the same way as the earlier Rehabilitation Act. Two portions of the ADA directly affect the University of Nebraska: Title I, prohibiting discrimination in employment practices; and Title II, obligating the University to make all its programs, activities, and services available to persons with disabilities.
- d. The specific compliance requirements imposed by the ADA and the updated technical standards for accessibility enumerated in the regulations implementing ADA affect each unit of the University and require the reevaluation and updating of policies, plans, and procedures originally put into place following enactment of the Rehabilitation Act.

### 4. Objectives

- a. Reiterate the compliance requirements of the ADA, and identify those which are related to facilities and those which are related to employment.
- b. Describe the accessibility standards which should be used for current and future alteration, addition, and new construction projects.
- c. Review the standard of "undue burden" as it applies to any action directed toward structural modifications for the purpose of achieving program accessibility.
- d. Define the format for the "transition plan" and provide information regarding priority and budgeting for structural alterations required to achieve program accessibility.
- e. Define the responsibilities of the President's staff and the campus administration as they relate to ADA.

### 5. Policy

- a. It is the policy of the University to comply with Title I and Title II of the Americans with Disabilities Act.

- b. The University is not required to take any action which would result in a "fundamental alteration" of any program, activity, or service or to take any action which would result in "undue financial and administrative burdens".
  - c. The University will adopt accessibility standards as follows: For alterations and additions, select the standard (UFAS or ADAAG) which provides the better result in terms of accessibility and budget based upon an analysis of the project; for new construction and free-standing buildings, use ADAAG.
6. Guidelines for the ADA Transition Plan
- a. Guidelines for an ADA "transition plan" shall be promulgated by the Vice President for Business and Finance. The campuses should comply with the following instructions relative to the transition plan:
    - 1) If the transition plan identifies any structural modifications which can be completed without supplemental budget appropriations, schedule these projects for completion by January 26, 1993.
    - 2) For projects requiring supplemental funding, prioritize these modifications in accordance with the ADA regulations. Divide this grouping into two equal increments based upon the cost of the projects. Schedule the higher priority increment for completion by January 26, 1994, (assuming supplemental funding in July of 1993) and the remaining increment for completion by January 26, 1995 (assuming supplemental funding in July of 1994).
  - b. When scheduling projects, observe the recommended priorities defined in the ADA regulations which are (1) accessible entrance into the facility; (2) access to goods and services; (3) access to rest rooms; and (4) any other measures necessary. However, if a different priority order would produce a more effective mix of barrier removal measures, such a change is acceptable.
7. Accessibility Standards and undue Burden Determination
- a. Accessibility Standards. Under ADA regulations, alterations (i.e., remodeling, renovation, rehabilitation, and changes or rearrangements in structural parts or elements or plan configurations of walls) to an existing building may require that an accessible path of travel to the altered area be provided as a part of the project. The applicable UFAS and ADAAG standards should be evaluated, and the most appropriate standard should be selected in accordance with Section 5.c. above.
  - b. Undue Burden Determination. When, in the course of developing plans and strategies for ADA compliance, it appears that the removal of any particular accessibility barrier would result in an undue financial or administrative burden, a decision shall be made by the Vice Chancellor for Business and Finance. The transition plan must include a statement of the reasons for the decision.
8. Compliance Requirements—Activities and Enforcement Dates
- a. Designate individual to oversee ADA compliance (Title I and Title II). Enforcement date is January 26, 1992.
  - b. Provide notice to public explaining ADA Title II applicability to the University's programs, services, and activities (with regard to facilities). Enforcement date is January 26, 1992.
  - c. Develop and publish grievance procedure. Enforcement date is January 26, 1992.

- d. Prepare in writing a "transition plan" (with regard to facilities). Enforcement date is July 26, 1992.
- e. Review communications systems and processes; prepare a plan to provide auxiliary aids or services which promote effective communication. Enforcement date is January 26, 1992.
- f. Assure that all new construction, including alterations to existing buildings complies with ADA Accessibility Guidelines for any construction begun after January 26, 1992 (with regard to facilities). Enforcement date is January 26, 1992.
- g. Review and revise, as necessary, policies and procedures related to employment and employment practices. Enforcement date is July 26, 1992.
- h. Complete self-evaluation and implement all associated University policy and procedure modifications. Enforcement date is January 26, 1993.
- i. Complete structural modifications required to provide program accessibility as described in "transition plan" (with regard to facilities). Enforcement date is January 26, 1995.

9. Duties of the Administration

The duties of the Administration related to compliance with the Americans with Disabilities Act of 1990 are outlined below:

- a. President
  - 1) Review and coordinate on a continuing basis all University policies and practices to ensure equitable treatment of persons with disabilities.
  - 2) Disseminate to the general University community notifications regarding the University's policy and guidelines and its commitment to nondiscrimination on the basis of disability.
  - 3) Provide assistance and additional guidance, as necessary, to aid the campuses in complying with the Federal regulations and these guidelines.
- b. Vice President for Business and Finance
  - 1) Promulgate guidelines for the ADA transition plan.
  - 2) Monitor campus compliance with the Federal regulations and these guidelines.
  - 3) Request data, reports, and analyses, as needed, from the campuses concerning compliance activities in order to meet Federal, State, Regental, and Presidential review needs.
- c. Chancellors
  - 1) Assign authority and responsibility for the coordination of efforts to comply with the Federal regulations and these guidelines.
  - 2) Adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information on the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities.

- 3) Assure that self-evaluations as required by Federal regulations are made and maintained on file for public inspection.
- 4) Assure that all programs and activities are accessible to qualified persons with disabilities and, where structural changes are necessary, modifications are to be completed as funds are made available.
- 5) Monitor compliance with the Federal regulations and these guidelines.
- 6) Provide data, reports, and analyses, as needed, in order to meet Federal, State, Regental, and Presidential review needs.

10. Responsibility and Accountability

- a. The President shall establish rules and procedures to assure that the University is in compliance with the Americans with Disabilities Act of 1990.
- b. The Chancellor will be responsible for assuring that the campus is in compliance with the Americans with Disabilities Act of 1990 and will designate an individual to coordinate and oversee compliance with the Act.
  - 1) The ADA Coordinator. The coordinator will oversee the requirements of the ADA Act and coordinate the efforts to comply with and fulfill its responsibilities under Titles I and II including the investigations of complaints.
  - 2) The Facilities Directors. The Campus Director of Facilities will be responsible for implementing compliance activities required by the Act which are related to facilities.
  - 3) The Human Resources/Personnel Director. The Campus Director of Human Resources/Personnel will be responsible for identifying and implementing compliance activities required by the Act which are related to employment and employment practices.
  - 4) The Telecommunications Director/Manager. The Campus Director/Manager of Telecommunications will be responsible for identifying and implementing compliance activities required by the Act which are related to telecommunications.

11. Reporting

A copy of the transition plan and subsequent revisions or modifications shall be submitted annually by June 30 or as required by the Vice President for Business and Finance.

12. Prior Guidelines and Policies (Repealed)

University of Nebraska Affirmative Action Plan for the Handicapped, adopted April 16, 1977, BRUN, Minutes, 40, p. 127, is repealed.

Reference: BRUN, Minutes, 58, p. 12 (February 13, 1993).

### RP-3.1.3 Equal Opportunity/Affirmative Action Guidelines

#### 1. Internal and External Communications

##### a. Employees and Applicants

Copies of the Equal Opportunity and Affirmative Action Guidelines will be made accessible to all personnel of the University of Nebraska and all applicants for employment. Special meetings or orientation sessions will be organized under procedures developed by the EO/AA Officers to inform employees of their rights and obligations under the University's EO/AA Guidelines.

##### b. Community Groups

Copies will be made available to other interested and relevant persons, agencies, and organizations.

##### c. Posters and Bulletins

In addition, the University will continue to display official equal opportunity/affirmative action posters in conspicuous locations normally trafficked by University students, employees, and applicants for employment.

##### d. Policy and Procedure Manuals

Policy manuals, employee handbooks, and student bulletins of the University will include EO/AA statements based on these guidelines.

##### e. Hiring Authorities and Supervisory Staff

In addition to receiving copies of these guidelines for implementation, responsible supervisory personnel will be given special orientation sessions regarding their provisions and general equal employment opportunity/affirmative action law. Update sessions will be held periodically. Responsibility for equal employment opportunity/affirmative action orientation and training sessions will be assigned to the EO/AA Officers.

All employees charged with administration will be given orientation regarding these guidelines, and provisions of general equal employment opportunity/affirmative action law.

##### f. Recruitment Sources

All University recruitment sources will be informed of the University's EO/AA Guidelines. Such sources include employment agencies, other colleges and universities, individuals solicited for nominations, community service organizations, etc.

#### 2. Responsibility for Administration

##### a. The President

The President of the University of Nebraska has ultimate responsibility for the development and implementation of the Equal Opportunity and Affirmative Action Guidelines and operational plans.

b. The Chancellors

Basic responsibility at each campus rests with the Chancellor. Each Chancellor shall ensure that these EO/AA Guidelines and specific campus plans (will be followed) and will designate EO/AA Officers to assist in coordinating and implementing them at the campus level.

c. Campus EO/AA Plans

Each of the campuses will develop or revise its unique and specific EO/AA plan annually.

The plans shall be addressed to the specific programs, processes, and procedures to be utilized on that campus in each area mandated in these EO/AA Guidelines and all other provisions required by federal law.

In addition, each plan shall:

- 1) enumerate the specific timetable and process to be used for generating and meeting employment goals (including plans to implement retrenchment, if applicable).
- 2) assign specific accountability for implementation of the provisions of the plan. Describe monitoring systems to be used and sanctions to be imposed if "good faith" efforts are not made to realize the goals.
- 3) enumerate the data profiles that will be collected by the campus (in addition to those required federally), mechanisms to be used to collect and evaluate the data, to whom they will be reported, and what information will be distributed in a public forum.
- 4) list auxiliary and support programs the campus will utilize.
- 5) enumerate the personnel and fiscal resources that will be designated to implement the plan.

d. Campus EO/AA Officers

The campus EO/AA Officers will interpret and coordinate the implementation of these EO/AA Guidelines; they may be advised and assisted by the Affirmative Action Liaison Committees and appropriate task forces. Responsibilities of the EO/AA Officers will include, but not be limited to:

- 1) reviewing training programs; hiring, compensation, and promotion patterns; recruitment efforts, etc., which have a direct bearing on the attainment of goals and objectives.
- 2) preparing required government reports concerning equal opportunity and affirmative action.
- 3) collecting and presenting statistical and other information required by these EO/AA Guidelines.
- 4) providing the technical and administrative assistance required to implement these guidelines.



- 5) establishing and maintaining University liaison with organizations specializing in recruitment of protected class members and assisting in the evaluation of the effectiveness of these organizations.
- 6) reviewing campus performance in the following areas: Distribution and posting of Policy Statements. Integration of and equality in the use of facilities. Unlawful discrimination in University-sponsored activities and in all employment-related practices and procedures.
- 7) preparing an annual EO/AA report for the Chancellor of each campus. A copy will be provided to the President and the Board of Regents.
- 8) ensuring maintenance of records which document employment actions (recruiting, hiring, promoting, etc.) in a manner that facilitates achievement of goals.
- 9) serving on a University-wide Affirmative Action Council which advises the President.

e. Other Employees

All employees are expected to contribute to the equal opportunity philosophy of the University by their acceptance of, and compliance with, the EO/AA Guidelines.

All administrative officers and supervisory personnel within the University, including hiring committees making recommendations on appointments, are responsible for performing their duties in a nondiscriminatory manner.

Administrative officers, as identified in these Guidelines, include the President, the Vice Presidents, the Chancellors, Vice Chancellors, Deans, directors, and department chairpersons. All campus officers in charge of academic, nonacademic, and student employment have the responsibility for carrying out the objectives set forth by these EO/AA Guidelines.

For those employees who are subjects of performance reviews, such evaluations must include an area for commentary relative to the person's performance in supporting and carrying out the goals and objectives of the University's EO/AA Guidelines. Compliance shall be considered in determining annual salary adjustments, promotion, and continuing employment.

3. Inventory of Personnel, Internal Audits, and Reports

a. Work Force Analysis

Each major administrative unit of the University maintains personnel records classified by race, sex, major occupational activity, job title, salary, date of hire, educational level, and other relevant data. These statistical data are used for state and federal compliance agency reports.

University academic and nonacademic units at each campus are required, at least annually, to study the race-sex profile of their staff and to provide justification and supporting comments related to:

- 1) Absence of minority and female or male representation in the ranks and classifications throughout the unit.
- 2) Concentrations of women and minorities in certain job types.

- 3) Relative absence of women and minorities in positions at decision-making levels.
- 4) Relative distribution of minorities, women, and non-minority men in positions with potential for promotion.
- 5) Salary and rank differentials for minorities and females.
- 6) Staff turnover, vacancies, new appointments, recruitment, and promotions as they impact minorities and women.
- 7) Distribution and performance of women and minorities as graduate research and teaching assistants.

b. Utilization Analysis

In compliance with applicable government regulations, the University will conduct an annual utilization analysis. This analysis will separately identify minorities and women.

This analysis will determine, on a departmental or unit basis, discrepancies between the employment rate of minorities and women and their availability in the relevant labor markets.

Estimates of availability will be based on the relative proportion of qualified women and minorities in each academic and nonacademic labor market using criteria which are validly related to job performance.

c. Goals and Timetables

Each campus will annually update its goals and timetables for each major job category in which minorities and women are found to be underutilized.

Such goals and timetables will be stated as projections of future representation of women and minorities as a result of implementation of these EO/AA Guidelines.

Such projections will be based on the availability of qualified minorities and women, expected position openings, and other applicable factors.

Goals and timetables will not be administered in a manner which discriminates in the hiring, appointment, promotion, or granting of tenure to any individual solely on the basis of race, color, creed, religion, sex, national origin, age, handicap, marital status, or Vietnam-era veteran status.

Goals and timetables will not be projected, and utilization analyses will not be conducted, on the basis of religion, age, handicap, veteran, or marital status.

4. Internal Audits and Reports

The campus EO/AA Officers will annually prepare a report analyzing their respective campuses' progress toward the University's equal opportunity and affirmative action objectives.

The annual report will include a review of the following elements: (1) work force analysis; (2) training and upgrading programs; (3) utilization analysis; (4) promotions, demotions, and transfers; (5) progress toward meeting goals and timetables; (6) employee grievances; (7) compensation patterns; (8) changes in availability of minorities and women; (9) recruitment and application procedures; (10) job classification systems; and (11) comparative hiring rate of minorities and women.

## 5. Personnel Policies and Practices

### a. General personnel Standards and Procedures

The University of Nebraska will mobilize its resources to focus on the problems of employment and promotion opportunities for women and minorities. Each organizational unit of the University shall have on file the standards and procedures which govern all of its employment practices including any tests in use and the criteria by which qualifications for appointment, retention, or promotion are judged. Deans, directors, department chairpersons, etc., shall make a review and determine whether such standards and criteria are relevant to the duties of the particular position in question. This requirement does not ignore or obviate the range of permissible discretion which characterizes employment judgments, particularly in the academic area. If the criteria and standards of selection appear to reject a higher proportion of minority and women applicants, the selection procedure must be rigorously reviewed.

### b. Recruitment

The University will undertake a vigorous program of affirmative recruitment for minorities and women in all job categories in which they are found to be underutilized.

Campuses will actively continue to communicate their employment needs through advertisements to graduate schools, training programs, disciplinary conventions, and job registers. Recognizing that traditional methods of recruiting alone will not produce the desired gains in minority and female employment, the University will continue to expand its efforts, utilizing appropriate resources such as community agencies (Urban League, Comprehensive Manpower, YWCA, etc.), high schools, colleges, and universities with high minority enrollment, minority and women's registries within professional organizations, trade schools, minority and female community leaders, and advertising in minority-oriented broadcast and print media.

Recruitment of women and minorities in administration internships and in the graduate teaching and research assistantship programs will be an integral part of this effort.

A written justification must be provided to the appropriate campus EO/AA Officers by supervisory personnel in instances when apparently qualified minorities and women are passed over for training, upgrading, or promotion.

### c. Upgrading and Promotion

To increase the utilization of the skills of all employees, scholarship benefits are offered so that academic, management, technical, clerical, and data processing courses that are available in the University may be taken each year. Each administrative unit should maintain a record of the qualifications of present employees for promotional consideration. Minority and female employees will be advised of vacancies which would facilitate upward job mobility.

Department chairpersons will be asked to review carefully the qualifications of all faculty with particular attention given to women and minorities to ensure that those qualified for promotion have not been delayed in rank longer than any non-minority males with comparable qualifications.

A written justification by supervisory personnel must be provided in cases where qualified women and minorities are passed over for training, upgrading, or promotion.

d. Testing

In recognition of the fact that requirements which appear to be fair may not be related to the job(s) to which they apply, and may have the effect of denying minority group members or women ready access to employment opportunities, the University EO/AA Officers will continue to examine all testing used for employee selection. Testing must be in compliance with the Uniform Guidelines on Employee Selection Procedures and other Federal regulations.

e. Job Classifications

Consistent with these guidelines, each campus will continually review employment qualifications and maintain only those which can be established as bona fide occupational qualifications. Such review will be made of all job or class designations and descriptions and look toward the elimination of any classification that segregates employees by race, color, religion, sex, marital status, national origin, disability, or military service during the Vietnam era.

Qualifications to be analyzed will depend upon job requirements and may include the following:

- 1) Education requirements.
- 2) Requirements for specific job experience.
- 3) Requirements for, and weight given to, personal references.
- 4) Exclusionary policies or preferences based on an individual's height, weight, and related physical characteristics.
- 5) Other valid job-related requirements authorized by law.

The EO/AA Officers will advise the appropriate University officials of any qualification which appears to have an adverse impact on minorities or women. A qualification normally will be regarded as having an adverse impact if its application results in a hiring or promotion rate for minorities or women which is 80 percent or less than that of other individuals.

f. Equal Pay

The University is committed to the principle and practice of equal pay for equal work, as required by the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, as amended and other laws.

The EO/AA officers will review pay differences within occupational classes. If these differences appear to be based on sex or minority status rather than qualifications, responsibilities, and performance, inequities will be noted and communicated to the Director of Personnel and/or the appropriate Vice Chancellor. These inequities should be taken into account in recommendations for annual salary adjustments, promotions, and continued employment.

g. Employee Benefits

The Personnel Department and affirmative action officers will periodically review all employee fringe benefit programs to ensure that they are available to all employees without discrimination on any grounds covered by these EO/AA Guidelines. The reviews

will include all medical, hospital, accident, and life insurance programs and all retirement and pension programs.

The University will not participate in, require, or encourage its employees to participate in any medical insurance program that discriminates with regard to coverage of any illness or disability on the basis of race, color, creed, religion, sex, national origin, age, handicap, or marital status. This includes illness or disability related to pregnancy, miscarriage, therapeutic abortion, and childbirth.

The University will not participate in, require, or encourage its employees to participate in any retirement or pension program, or any insurance or other welfare program, unless either the benefits or the University's contribution are equal for all employees within their appropriate employee category.

No protected class employees will be required to retire at an age different from that of other employees.

All leave policies of the University will be formulated and administered without discrimination on the basis of sex or any other prohibited ground.

h. Grievance Procedures

Both academic and nonacademic employees may avail themselves of established general grievance procedures described in the Bylaws of the Board of Regents of the University policy statements. The effectiveness of existing procedures will be evaluated by EO/AA Officers periodically to determine if minority and female employees are seeking and receiving the appropriate consideration through present channels.

In addition, an equal employment opportunity grievance structure and procedure has been approved by the Board of Regents to provide a means by which each employee may have an opportunity to request a review of any grievance related to wages, hours, and/or terms and conditions of employment which are alleged to have resulted from discrimination on the basis of race, age, color, disability, religion, sex, national origin, marital, or Vietnam-era veteran status. These procedures will be distributed to all University personnel.

6. Technical Requirements

a. Advertising

The phrase, "Equal Employment/Affirmative Action" will be placed prominently in all recruitment advertising to remind all recruitment sources that selection for, and participation in, University employment and educational programs are without regard to race, sex, color, religion, age, marital status, disability, or national origin.

b. Contractors and Subcontractors

All contractors/subcontractors and lessors will continue to be notified of the University's responsibilities and ensuring obligations under Executive Order No. 11246, amended by Order No. 11375, and revised by Order No. 4. The University will advise all contractors/subcontractors and lessors of amendments to the Executive Order. In appropriate instances, the University will arrange to include specific affirmative action measures in the applicable contract. Reporting and monitoring procedures will be maintained to ensure compliance with provisions of the Executive Order and rules and regulations of the Department of Labor. Campus business officers have been provided procedural manuals to accomplish the latter.

c. Equal Employment Posters

Posters are to be displayed in trafficked locations and are to be periodically checked by the EO/AA Officers.

d. Facilities

The University certifies that all facilities will continue to be maintained on a non-segregated basis; certification of non-segregated facilities is also required of contractors/subcontractors.

e. Purchase Orders

All purchase orders and leases carry Equal Employment Opportunity clauses with the specific intent that vendors will adhere to provisions outlined therein. The University, in accordance with the law, requires detailed equal opportunity stipulations for purchase orders issued under government contracts or grants to which suppliers are required to adhere.

f. University Governance

The University will provide equal opportunities for women and minority persons to serve in decision-making positions, on committees whenever possible, and to the degree that it does not conflict with established democratic election processes.

g. Supportive Affirmative Action Programs

The Cooperative Extension Service has developed and is operating under an Equal Employment Opportunity Plan which has been approved by the USDA pursuant to Title VII, Part 18, of the Code of Federal Regulations. To avoid duplication of effort, Cooperative Extension employees paid in total or in part from Extension funds will be covered primarily by the USDA Plan.

In designing the supportive programs essential to these EO/AA Guidelines, each campus can be as flexible, as imaginative, and as innovative as possible. Since the University of Nebraska prides itself on its service-oriented education, many of the programs the campuses can design will have the added effect of generally improving the quality and quantity of its education. Specific recommendations in this area are difficult to make because each campus will have to develop programs based on its own mission and resources.

Different kinds of potential programs that will benefit especially women or minorities may include: those designed for teaching basic skills; special recruiting programs which will benefit women as they relate to sex-stereotyped fields and which will benefit minorities as they relate to general or graduate education; the development of child-care programs; and exchange programs with predominately black colleges involving faculty, students, and administrators.

h. Equal Educational Opportunity

In conformance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, regulations promulgated pursuant to those laws, other applicable laws, and regulations, the University will not discriminate on grounds of race, color, sex, national origin, or any other factor prohibited by law in providing any educational or other benefits or services of the University.

The University is committed to the proposition that the proportions of minorities and women in its student population should be increased in specific areas of study in order to assure their representation in future labor markets for positions which are desirable with respect to career potential--both with the University and elsewhere.

To that end, the University will undertake a practice of affirmative recruitment of students from the protected classes through such procedures as visiting schools that have large concentrations of those groups in their student bodies, including adequate representation of minorities and women in promotional literature of the University, and encouraging minorities and women from the University to speak at events such as career days sponsored by schools and other organizations.

Individual acts of unlawful discrimination by faculty, administrative officers, and other employees in the University's treatment of students, in the teacher/student relationship, and otherwise shall be regarded as actionable under established grievance procedures. Such acts include, but are not limited to, defamatory statements made by faculty members in class, or other employees in the course of their work, which demean or insult individuals because of their race, sex, national origin, or other relevant characteristics.

Reference: BRUN, Minutes, 44, p. 107 (February 16, 1980).

### **RP-3.2 Compensation for Services Rendered**

#### **RP-3.2.1 Retirement Plan and Options (Repealed)**

University of Nebraska Retirement Plan and Options, adopted September 23, 1961, BRUN Minutes, 24, p. 259, is repealed.

Reference: <sup>1</sup>BRUN, Minutes, 24, p. 259 (September 23, 1961). See also, Bylaws BRUN (1973+), s. 3.12.5.10. <sup>2</sup>BRUN, Minutes, 34, p. 126 (March 11, 1972). <sup>3</sup>BRUN, Minutes, 55, p. 145 (June 23, 1990). BRUN, Minutes, 68, pp. 6-8 (January 23, 2009).

#### **RP-3.2.2 Deferred Compensation**

If the employee so specifies, authorization is granted by the Board for deferred employee compensation, and approval is given for the University to create a separate account with TIAA-CREF and/or Fidelity Investments for that compensation which is deferred at the employee's option over and above that matched by the University.

Reference: BRUN, Minutes, 39, p. 85 (March 13, 1976). BRUN, Minutes, 51, p. 215 (April 19, 1986). BRUN, Minutes, 72, p. 59 (July 18, 2014).

#### **RP-3.2.3 Ancillary Groups or Organizations—Group Insurance Plan**

The following designated persons representing groups or organizations ancillary to the University are eligible for participation in the University Group Insurance Plan. No University of Nebraska contribution to any such person's premium cost will be made, and each ancillary group or organization or its individual members will arrange for payment of premiums with the appropriate University benefits manager. The designated persons authorized for participation are members and former members of the Board of Regents, employees of the University of Nebraska Alumni Associations, University Technology Development Corporation, NUTech Ventures, UNeMed Corporation, Peter Kiewit Technology Development Corporation, and the National Strategic Research Institute.