Duke University and Duke Health

Affirmative Action Plan Program and Plan Introduction

Veterans and Individuals with Disabilities

2019
PROGRAM OVERVIEW


As the current backlash against affirmative action and minority recruitment in several parts of our country makes crystal clear, we have taken too much for granted. As a result, we have not yet made a compelling argument, both to skeptical folks on campus and to many in the world outside, for the importance—to learning—of multiple perspectives, different ideas and values on a university campus.

Under the leadership of current Duke President, Vincent E. Price, we remain committed to principles of fairness and equity that shaped our first Affirmative Action Program in 1970, with the inclusion of diversity as a key element in Duke’s strategic plan and the continuation of strategies to ensure that an inclusive community will anchor and guide us in the future. President Vincent E. Price reaffirmed this commitment by stating:

Over the past half century, Duke has taken decisive action to promote diversity on campus and to ensure the full opportunities of every student, faculty, and staff member to study or work here, regardless of their background. I am pleased to continue to affirm this commitment by working to build an even more inclusive university community.

With the 2019 update of the Equal Opportunity and Affirmative Action Program, Duke’s Office for Institutional Equity brings a set of opportunities and challenges to the members of the Duke. This program entails the following three publications as well as initiatives undertaken to advance diversity and inclusion throughout the University and Duke Health:

- “Duke University Affirmative Action Plan (Executive Order 11246) 2019”
- “Duke Health Affirmative Action Plan (Executive Order 11246) 2019”
- “Duke University and Duke Health Affirmative Action Plan for Veterans and Individuals with Disabilities (VEVRAA and Section 503 of the Rehabilitation Act) 2019”

Although each of these publications is a compliance document fulfilling part of the responsibilities of Duke as a federal contractor, in the words of a 1970 Trustees’ resolution, we adhere to a policy of equal employment opportunity “not solely because of a legal requirement, but because it is a basic element for human dignity.”

In addition to complying with federal regulations, these publications describe an affirmative action program as a management tool. They include those policies,
practices, and procedures that we implement to ensure equal employment opportunity. The process for developing the Program allows us to engage in self-analysis to discover any barriers to equal employment opportunity. This process also serves as a guide in monitoring progress and developing policies and guidelines to enhance equity and inclusion in all sectors of employment at Duke.

The Affirmative Action Plans are widely distributed and available for review by contacting Duke’s Office for Institutional Equity. A copy of each publication is also available within the reference section of the William R. Perkins Library. The publications are also shared with managers and senior administrators.

DUKE AFFIRMATIVE ACTION PROGRAM COMPLIANCE OBLIGATIONS

Federal Contractors that meet specified criteria are required to develop plans that detail the affirmative action program for each of its establishments. The Duke University and Duke Health Affirmative Action Program is prepared annually in accordance with Executive Order (EO) 11246, Section 503 of the Rehabilitation Act of 1973, and the affirmative action provisions of the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA) of 1972 and their implementing regulations in 41 CFR 60. The U.S. Department of Labor (DOL) has designated the Office of Federal Contract Compliance Programs (OFCCP) to administer and enforce each of the above. The Program’s publications are not submitted to any specific government entity, but are retained on the premises for examination by the OFCCP, possibly other agencies, and for responding to compliance reviews and inquiries.

Executive Order 11246, as amended, prohibits federal contractors and subcontractors from discriminating in employment decisions based on race, color, religion, sex, sexual orientation, gender identity, or national origin. Executive Order 11246 also requires federal contractors to take affirmative action to ensure that equal employment opportunity is provided in all aspects of their practices. Additionally, federal contractors must monitor and examine employment decisions and compensation practices.


For veterans, federal contractors are required to establish hiring benchmarks and placement goals for each job group covered by the regulations above. For individuals with disabilities, federal contractors are required to conduct utilization analysis for each job group covered by the regulations above. Placement goals neither create quotas for specific groups nor are they designed to achieve proportional representation or equal results. The goal-setting process in affirmative action planning is used to measure the effectiveness of good faith efforts and best practices.
The regulations stipulate that employers make good faith efforts to alleviate underutilization. Such efforts may include expanded efforts in outreach, recruitment, training, professional development opportunities, and other programs to increase the applicant pool of qualified individuals in groups covered by the regulations above. The actual selection decision should always be made on a nondiscriminatory basis. EO 11246 and its supporting regulations do not authorize the OFCCP to penalize contractors for not meeting goals. The regulations at 41 CFR 60-2.12(e), 60-2.15, and 60-2.30 specifically prohibit quotas and preferential hiring and promotions under the guise of affirmative action goals.

Supporting data and documents may be obtained, by request, at the Office for Institutional Equity.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Duke is an Affirmative Action/Equal Opportunity Employer committed to providing employment opportunity without regard to an individual’s age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. Duke also makes good faith efforts to recruit, hire, and promote qualified women, minorities, individuals with disabilities, and veterans.

In accordance with Title IX of the Education Amendments of 1972, Duke prohibits discrimination based on sex. Sexual harassment is a form of sex discrimination. Duke has designated a Title IX coordinator in the Office for Institutional Equity. The Office for Institutional Equity is located in Smith Warehouse, 114 S. Buchanan Blvd., Durham, North Carolina 27708. The Office telephone number is 919-684-8222. Questions or concerns regarding Title IX, harassment or discrimination may be directed to the Office for Institutional Equity.

COMMITMENT TO EQUAL OPPORTUNITY

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

Providing equal protection in employment is only one aspect of achieving diversity at Duke. Because a variety of social and historical barriers have limited access to employment and advancement of certain groups, we make special efforts to identify,

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1 The first paragraph of this Policy is referred to as the “Equal Employment Opportunity Statement”
recruit, hire, and promote qualified people who are traditionally underrepresented in our workforce.

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

**DISSEMINATION**

The Equal Employment Opportunity Policy is distributed to all members of the Duke community. Policy information is provided to new employees at orientation sessions and to union officials representing Duke employees. The Equal Employment Opportunity Statement is published in Human Resource Policy Manuals, the Faculty Handbook, the Staff Handbook, and is posted on bulletin boards throughout Duke. The Policy is discussed in management training programs and is described in various literature distributed by Duke. Nondiscrimination clauses are included in all union agreements and all such contractual provisions are reviewed to ensure that they are nondiscriminatory [41 CFR 60-300.44(f)(g) & 41 CFR 60-741.44(f)(g)].

Pursuant to regulations, all Duke purchase orders, leases, and contracts incorporate the following equal opportunity clause setting forth the Duke’s expectations:

The contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability or veteran status.

In addition, this contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. To the extent not exempt, this contractor or subcontractor shall also abide by the requirements of 29 CFR Part 471.

Publications and other Duke materials represent both minority and nonminority men, women, and persons with disabilities. Recruiting advertisements state that Duke is an Equal Opportunity/Affirmative Action Employer. An expanded statement to convey Duke’s commitment to diversity and inclusion is included in documents and position announcements: *Duke is an Affirmative Action/Equal Opportunity Employer*
committed to providing employment opportunity without regard to an individual’s age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. Duke also makes good faith efforts to recruit, hire, and promote qualified women, minorities, individuals with disabilities, and veterans.

Where applicable, Duke publications contain an alternative format statement. In addition, individual entities have formulated statements that go beyond the minimal requirements to express the value of diversity and inclusiveness and to invite individuals with diverse backgrounds to consider employment at Duke.

The OFCCP “Pay Transparency” notice and the federal and state labor law notices, in English and Spanish, are prominently posted at multiple locations around Duke. These labor law notices include equal employment opportunity, family and medical leave, federal minimum wage, OSHA, polygraph protection, and USERRA.

All notice and poster locations are reviewed annually by the Office for Institutional Equity. Department managers are supported in acquiring posters and in communicating with their staff regarding the regulations, employee rights and process for bringing forth workplace concerns. See Appendix H for a photograph of bulletin boards with federal and state notices.

IMPLEMENTATION

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

The Office for Institutional Equity implements and monitors the Duke Equal Employment Opportunity Policy throughout Duke University and Duke Health, and is responsible for developing the Duke University and Duke Health Affirmative Action Program on an annual basis. The implementation process also includes a systematic review of staff and faculty recruitment, hiring, and other personnel activities to examine patterns and trends. Duke’s Office for Institutional Equity provides guidance and assistance to administrators and faculty across all management entities in implementing the Program and complying with legal obligations.

Under the auspices of the President, the Office for Institutional Equity provides institutional leadership in enhancing respectful, diverse, and inclusive work and learning environments for the Duke community. These programs and services uphold values of equity and diversity, as well as support compliance efforts in the areas of equal opportunity, affirmative action, and harassment prevention.
ENFORCEMENT

As Chief Executive Officer of Duke, the President has the legal responsibility for compliance with the equal employment opportunity laws. The Provost, the Chancellor for Health Affairs, the Vice Presidents, and other senior officers are all responsible to the President for implementing the Duke Equal Employment Opportunity Policy within their administrative areas. Deans, directors, chairpersons, and managers of the various schools, departments, and programs all work to administer and manage personnel activities within their areas to ensure full implementation of the Policy. The Office for Institutional Equity has the responsibility for addressing all violations of the Policy, and allegations of discrimination and harassment.

THIS PUBLICATION

This publication is titled “Duke University and Duke Health Affirmative Action Plan for Veterans and Individuals with Disabilities (VEVRAA and Section 503 of the Rehabilitation Act) 2019” (the “Plan”) and is part of the Duke Affirmative Action Program 2019 in accordance with regulatory requirements outlined at:

- 41 CFR 60-1, Obligations of Contractors and Subcontractors, and
- 41 CFR 60-2, Affirmative Action Programs.

The Plan is a compliance document fulfilling part of the responsibilities of Duke University as a federal contractor. In addition to complying with federal regulations, the annual updates to the Plan allow it to be used as a management tool for the Institution. It includes those policies, practices and procedures that we implement to ensure equal employment opportunity. The Plan serves as a guide in monitoring progress and developing initiatives to enhance equal opportunity, and sustaining diversity and equity efforts in all sectors of employment at Duke. The process for developing the Plan allows us to engage in self-analysis for discovering any barriers to equal employment opportunity.

RELEVANT FEDERAL LAWS AND REGULATIONS

Rehabilitation Act of 1973

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

Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA)

This Act prohibits federal contractors and subcontractors from discriminating in employment against veterans. It also requires that these contractors take affirmative action to recruit, hire, promote, and retain veterans. To help prevent discrimination, this Act requires contractors to set hiring benchmarks, collect data, invite candidates to self-identify, and incorporate an equal opportunity clause. Despite its name, this statute
is no longer limited to veterans from the Vietnam Era. It includes 1) disabled veterans, 2) Armed Forces service medal veterans, 3) recently separated veterans, and 4) other protected veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized. New veterans’ categories and definitions were implemented as a result of 41 CFR Part 60-300, Final Rule. For purposes of collecting and reporting, these will be aggregated under the category of protected veterans. These categories are defined in Appendix A.

**Final Rule for Veterans and Individuals with Disabilities**

On September 24, 2013, the OFCCP published a Final Rule that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR 60-741 and to the regulations implementing the Vietnam Era Veterans’ Readjustment Assistance Act, as amended (VEVRAA) at 41 CFR Part 60-300. These new regulations became effective on March 24, 2014. The Final Rule strengthens and expands federal contractor’s obligations to recruit, train, hire, and promote protected veterans and individuals with disabilities. The Final Rule also establishes an annual hiring benchmark for veterans and a utilization goal for individuals with disabilities. The ruling also expanded data collection, reporting, and auditing obligations.

**Americans with Disabilities Act of 1990 (ADA)**

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

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

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

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

**Jobs for Veterans Act (JVA)**

The JVA, added to VEVRAA, requires employers with federal contracts of $150,000 or more to provide equal opportunity and affirmative action for recently separated veterans (extending coverage from one year to three years), all disabled veterans, veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, or any other veteran who served on active duty and received an Armed Forces Service Medal pursuant to Executive Order 12985 (61 FR 1209).
The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) amends both the ADA and the Rehabilitation Act (Section 504) in a manner that significantly expands disability protection for students, employees, and the public at large diagnosed with a physical or mental impairment. Congress significantly expanded what constitutes a major life activity and conveyed its disagreement with judicial interpretation of the phrase “substantially limits.”

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

RESPONSIBILITY

The Office for Institutional Equity is responsible for developing, on an annual basis, the Duke University and Duke Health Affirmative Action Plan for Veterans and Individuals with Disabilities (VEVRAA and Section 503 of the Rehabilitation Act) and overseeing the implementation of related programs at Duke. Duke’s Office for Institutional Equity also provides guidance and assistance to administrators, faculty, and staff across all management entities in complying with the legal requirements and Duke’s commitment to the core values of diversity and inclusion.

Designation for responsibility for the implementation of the Plan are detailed below, in Tables 1 (Duke), 2 (Duke University), and 3 (Duke Health):
### Table 1. Designation of Responsibility – Duke

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Title and Roles</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Compliance Officer</td>
<td>Benjamin D. Reese, Psy.D.</td>
<td>Vice President for Institutional Equity and Chief Diversity Officer (<a href="mailto:ben.reese@duke.edu">ben.reese@duke.edu</a>)</td>
</tr>
<tr>
<td>Affirmative Action Program Administrator</td>
<td>Inderdeep Chatrath, Ph.D.</td>
<td>Assistant Vice President Equal Opportunity &amp; Affirmative Action Programs (<a href="mailto:inderdeep.chatrath@duke.edu">inderdeep.chatrath@duke.edu</a>)</td>
</tr>
<tr>
<td>Title IX Compliance Officer</td>
<td>Jayne Grandes, J.D.</td>
<td>Director Title IX Compliance (<a href="mailto:jayne.grandes@duke.edu">jayne.grandes@duke.edu</a>)</td>
</tr>
<tr>
<td>Human Resources Officer</td>
<td>Kyle Cavanaugh</td>
<td>Vice President for Administration (<a href="mailto:kyle.cavanaugh@duke.edu">kyle.cavanaugh@duke.edu</a>)</td>
</tr>
<tr>
<td>Disability Management System</td>
<td>Leigh Fickling, J.D.</td>
<td>Executive Director, Disability Management System (<a href="mailto:leigh.fickling@duke.edu">leigh.fickling@duke.edu</a>)</td>
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### Table 2. Designation of Responsibility – Duke University

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<tr>
<th>Faculty/Staff</th>
<th>Faculty</th>
<th>Staff</th>
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<tbody>
<tr>
<td>Arts &amp; Sciences</td>
<td>Sandy Connolly</td>
<td>Kimberley Harris</td>
</tr>
<tr>
<td></td>
<td>Vice Dean, Finance and Administration</td>
<td>Director, Academic Human Resources Services &amp; Assistant</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:sandy.connolly@duke.com">sandy.connolly@duke.com</a></td>
<td>Vice Provost (<a href="mailto:kimberley.harris@duke.edu">kimberley.harris@duke.edu</a>)</td>
</tr>
<tr>
<td>School of Medicine</td>
<td>Annette Whitesell</td>
<td>Betsy Hames</td>
</tr>
<tr>
<td></td>
<td>Director, Faculty Appointments Office</td>
<td>Associate Dean &amp; Chief Human Resources Officer</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:annette.whitesell@duke.edu">annette.whitesell@duke.edu</a></td>
<td><a href="mailto:betsy.hames@duke.edu">betsy.hames@duke.edu</a></td>
</tr>
<tr>
<td>Divinity School</td>
<td>Deans or Designated Staff</td>
<td>Deans or Designated Staff</td>
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<tr>
<td>Fuqua School of Business</td>
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<td>Nicholas School of the Environment</td>
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<td>Sanford School of Public Policy</td>
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<td>School of Nursing</td>
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### Table 3. Designation of Responsibility – Duke Health

<table>
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<tr>
<th>Divisions</th>
<th>Responsible Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duke Clinical Labs</td>
<td>Rita Winsor, Division Chief HR Officer, <a href="mailto:rita.winsor@duke.edu">rita.winsor@duke.edu</a></td>
</tr>
<tr>
<td>Duke HomeCare &amp; Hospice</td>
<td>Amanda Parrish, Chief HR Officer, <a href="mailto:amanda.parrish@duke.edu">amanda.parrish@duke.edu</a></td>
</tr>
<tr>
<td>Duke University Hospital</td>
<td>Deborah Page, Chief HR Officer, <a href="mailto:deborah.page@duke.edu">deborah.page@duke.edu</a></td>
</tr>
<tr>
<td>Duke Raleigh Hospital</td>
<td>Alyson Parker Gordon, Chief HR Officer, <a href="mailto:alyson.gordon@duke.edu">alyson.gordon@duke.edu</a></td>
</tr>
<tr>
<td>Duke Regional Hospital</td>
<td>Dexter Nolley, Chief HR Officer, <a href="mailto:dexter.nolley@dm.duke.edu">dexter.nolley@dm.duke.edu</a></td>
</tr>
<tr>
<td>Duke Primary &amp; Specialty Clinics</td>
<td>Elizabeth Long, Divisional Chief Operating Officer, <a href="mailto:long0046@mc.duke.edu">long0046@mc.duke.edu</a></td>
</tr>
<tr>
<td>Patient Revenue Management Organization</td>
<td>Janice Powell, Divisional Chief HR Officer, <a href="mailto:powel060@mc.duke.edu">powel060@mc.duke.edu</a></td>
</tr>
</tbody>
</table>
DUKE CONFIDENTIALITY

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

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

Duke has a broad and comprehensive set of policies and procedures to ensure confidentiality of all personnel records.

DUKE VOLUNTARY SELF-IDENTIFICATION PROCESS

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

Applicants for faculty and staff positions are invited to declare their veteran and/or disability status in both the pre- and post-offer phases of the employment process. Submission of such information is voluntary. If someone self-identifies as having a disability, a system generated email is sent to them offering to engage in an interactive dialogue on whether reasonable accommodations should be made available to them and contact information for the Disability Management System (DMS) office. This information is kept confidential, except as provided by law. An electronic system provides an opportunity for current staff to confidentially self-identify their veteran or disability status by accessing their personal record.

Employees may also self-identify or discuss their veteran or disability status by contacting Duke Human Resources or request an accommodation by contacting the DMS office. Periodically, Duke employees are reminded to review and update their personal information. Self-identification forms for veterans and individuals with disabilities are included in Appendix F.

DUKE COMPENSATION AND BENEFITS

Duke University administers compensation policies and programs to provide a method for equitable classification of positions in relation to the level of work performed. Duke University maintains a pay structure based on job families to provide a method of grouping jobs that are similar in nature and function or compensation
trends for purposes of determining levels of rate structures that are comparable to
rates paid for similar work within the competitive market.

Duke administers compensation policies and programs that support competitive
and equitable pay based on like duties and responsibilities, comparability of
backgrounds, performance contributions, and available resources.

Duke’s pay administration, policies, plans and programs are administered without
regard to an individual’s age, color, disability, gender, gender expression, gender
identity, genetic information, national origin, race, religion, sex, sexual orientation, or
veteran status.

**DUKE HARASSMENT AND NONDISCRIMINATION POLICIES**

Duke is committed to encouraging and sustaining a learning and work community
that is free from prohibited discrimination and harassment. Duke expressly prohibits
harassment and discrimination based upon an individual’s age, color, disability, gender,
gender expression, gender identity, genetic information, national origin, race, religion,
sex, sexual orientation, or veteran status. The Duke Harassment Policy can be found in
Appendix B and the Duke Nondiscrimination Policy can be found in Appendix C.

**PHYSICAL ACCESSIBILITY**

Site assessment is conducted routinely for all Duke University facilities. University
Facilities Management Department works closely with Disability Management System
(DMS) office to audit existing facilities and reviews plans for new construction to
ensure ADA compliance. During these audits accessibility features are carefully
examined to ensure there are no barriers for individuals with physical disabilities.

There is provision for Duke Community members to notify DMS of an access
concern in any part of the Duke University campus or Duke Health facilities. This
includes access into or around any of the buildings as well as paths, crosswalks and
parking lots. Duke University Facilities Planning, Design and Construction provides
services for facility space management, planning, design and construction. Engineers
and other staff ensure safe and accessible environment for staff and visitors.

**DUKE REASONABLE ACCOMMODATION PROCESS**

**PURPOSE**

The Reasonable Accommodation Process (RAP) is a consistent procedure to explore
possible workplace accommodations for Duke University and Duke Health personnel.

A reasonable accommodation is any change or adjustment to a job or work
environment that permits a qualified person with a disability to participate in the job
application process, to perform the essential functions of a job, or to enjoy benefits and
privileges of employment equal to those enjoyed by staff without disabilities. For
example, a reasonable accommodation may include:

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

Disability Management System office created a process that will allow employees with disabilities to seek reassignment to a vacant position if reasonable accommodations are not able to be implemented due to business necessity or if no reasonable accommodation is available in the employee’s current location. All managers and supervisors have received information about the new process and are partnering with DMS to make this initiative a success. If an applicant, new employee, or current staff member self-identifies as having a disability, a system generated email is sent to them regarding reasonable accommodations being made available to them and contact information for the DMS office.

SCOPE

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

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

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

PROCESS

The Duke RAP, following the guidelines established by Title I of the ADA and ADAAA, is a collaborative and interactive process among the staff member, the
An employee with an impairment may request an accommodation to assist in the performance of a job by following the steps listed in the first document of Appendix D, “Reasonable Accommodation Process.” As part of this process, the manager/supervisor/department head should provide the staff member with a copy of each of the reasonable accommodation forms, available in Appendix D.

The employee is responsible for forwarding to DMS the following forms:

- Reasonable Accommodation Request Form to the Program Director, Employment and Public Reasonable Accommodations. (Any copies of the Reasonable Accommodation Request Form kept within the department should be maintained in a separate secure file, away from the personnel file);

- Healthcare Provider Medical Information Request form and all pertinent medical and/or psychological documentation regarding his/her impairment to medical personnel at Employee/Occupational Health and Wellness. EOHW may need to contact appropriate healthcare providers to determine if the staff member meets the definitional requirements of a disability under ADA and, if so, to identify any functional limitations related to the job; and

- Fire Safety Referral Form

The DMS office will explore possible accommodations with appropriate resources which may include but not be limited to the Job Accommodation Network. Possible accommodations are reviewed with the manager, supervisor, or department head before a final offer of reasonable accommodations is made to the staff member. If the employee’s requested accommodation is not able to be implemented because it is not a reasonable accommodation or due to business necessity, Duke will work to reassign the employee (upon request) to a vacant position that is equivalent in terms of pay, status, or other relevant factors (e.g., benefits, geographical location) if the employee is qualified for the position. If there is no equivalent vacant position, Duke will reassign the employee to a vacant lower level position for which they are qualified.

Questions and comments related to the RAP should be referred to the Director of Duke’s DMS. If an individual staff member is dissatisfied with the reasonable accommodations offered, they may contact the Office for Institutional Equity.

ASSISTIVE TECHNOLOGY

Duke’s DMS offers assistance with assistive technology for individuals who are blind or have visual disabilities, are deaf or hard of hearing, and have mobility impairments, as well as other disabilities. Examples of devices and equipment available to employees include: Dragon Naturally Speaking, Read & Write Gold, JAWS, Sensus Access, ZoomText software, Livescribe Echo Smart Pens, Assistive Listening Devices (small and large group FM and RF systems), digital recorders, iPads, Optelec ClearView CCTV and wheelchairs (for short term loan). Expertise of assistive technology specialists and

manager/supervisor/department head, the DMS office, EOHW, and other appropriate personnel.
rehabilitation engineers are utilized as needed to ensure effective reasonable accommodations. Duke University and Duke Health use electronic applicant tracking system and other systems use software products with accessibility features that are controlled by the developers of these applications. Duke reviews requests for accessible online content on a case by case basis and works with individual departments to assist with making content meet the needs of the user.

DISABILITY ACCOMMODATIONS GRIEVANCE PROCEDURE

Duke has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination based on the denial of accommodations for disability.

Complaints alleging discrimination based on the denial of requested accommodations based upon disability must be addressed to the Assistant Vice President, Harassment/Discrimination Prevention and Compliance, Duke University Office for Institutional Equity, 114 S. Buchanan Blvd., Bay 8, Box 90012, Durham, NC 27708-0012, (919) 684-8222.

1. A complaint must be submitted in writing, contain the name and address of the complainant, and a description of the allegations of discrimination. The complainant must set forth specific facts in support of the allegation(s).

2. A complaint must be filed within sixty (60) days of the denial of accommodations.

3. An investigation, as may be appropriate, shall be conducted by the staff in the Office for Institutional Equity, following receipt of the complaint. This procedure affords the complainant and the person(s) against whom the allegation(s) of discrimination have been made, and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations.

4. The investigation will be completed with written results of the investigation issued and a copy forwarded to the complainant within forty-five (45) workdays of the receipt of the complaint.

5. The complainant may appeal the findings of an investigation by submitting a written document to the Vice-President for Institutional Equity, Duke University, 114 S. Buchanan Blvd., Bay 8, Box 90012, Durham, NC 27708-0012. An appeal shall only be considered if the complainant specifies with particularity irregularities in the process or procedure, the correction of which would likely change the outcome of the determination of an investigation. The appeal must either be postmarked or received within fourteen (14) days of the date of the determination. The Vice-President will make a final determination and inform the complainant within fourteen (14) workdays of the Vice-President's receipt of the appeal.
6. Although Duke will make every effort to comply with these timelines, circumstances such as school breaks, may justify an extension of time.

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

PHYSICAL AND MENTAL JOB QUALIFICATION STANDARDS

Duke Human Resources periodically reviews physical and mental job qualifications of jobs to ensure that, to the extent that such qualification requirements tend to screen out qualified disabled veterans or individuals with disabilities, they are related to the job(s) in question and consistent with business necessity and the safe performance of the job.

In the event Duke has the need to inquire into an applicant’s physical or mental condition or should require a medical examination, Duke affirms that such inquiries or examinations will be conducted in accordance with VEVRAA and Section 503 regulations and the information and results obtained from the inquiry will be kept confidential, except as otherwise provided for in the regulations.

DISABILITY MANAGEMENT SYSTEM WEBSITE

The Disability Management System office website provides a comprehensive collection of resources for students, employees, and visitors and patients with disabilities. The website allows users to request accommodations and to contact the staff. The website provides useful information for instructors and managers on how best to assist in providing support to students and staff. Additional resources include: service & assistance animals, accessible documents and websites, accessible event planning, and training opportunities.

EEO AND AFFIRMATIVE ACTION TRAINING

Employees with responsibilities for hiring, transfer, promotion, and managing personnel receive training on applicable federal and state employment laws and regulations, Duke policy and procedures, and provisions of the affirmative action practices for veterans and individuals with disabilities. Disability Management System partners with the Office for Institutional Equity and provides training for managers and supervisors in the areas of equity and compliance in the workplace. Participants gain a greater understanding of disability in the workplace and are provided with tips for best practices for working with employees and applicants with disabilities.

Affirmative action and equal employment opportunity best practices are reviewed regularly and guidance is offered in group settings and on a case-by-case basis. Examples of training topics include: accessible publication tips, alternate format verbiage suggestions, use of electronic media and website accessibility tips, determining essential functions for a vacant position, and resources available from external agencies and at Duke. Guidance is offered to prepare managers to effectively
communicate with people who have known disabilities. A selection of training courses offered is listed below.

*ADA Building Blocks* explains the basic requirements of the ADA in simple, understandable terms. The course is designed to help increase the participant’s knowledge and understanding of the basic principles and concepts in the ADA and the ADAAA.

*Employment Best Practices* sessions provide managers with tools and best practices for recruitment and personnel management, how to evaluate candidates lawfully and fairly and for learning the essentials of the recruiting process from planning to onboarding. Also included is a review of Duke’s harassment and non-discrimination policies and useful strategies for responding to harassment concerns. Training sessions and consultations are offered as requested by managers and recruiters.

*Accommodating Employees with Disabilities: Reassignment* focuses on the Duke Reasonable Accommodations Process. It includes an overview of current disability laws and regulations. Highlights include an introduction to the “accommodation of last resort” reassignment process and guidelines.

*Regulatory Update*, an online training module, was implemented in the spring of 2015 for all managers, supervisors, and other administrators with personnel responsibilities.

*Harassment Prevention 101* provides an overview of Duke’s Harassment Policy, as well as practical strategies for minimizing harassment. The session includes examples of behaviors and situations that might violate the harassment policy, and options for responding to inappropriate or harassing behavior.

*Managing Compliance and Equity in the Workplace* is a two or three day course for managers and supervisors, and provides a review of compliance areas related to managing diversity, affirmative action and equal employment opportunity, harassment prevention and complaint handling, and enforcement of disability and nondiscrimination policies. Participants review the basic tenets of the policies and then practice engaging employees in challenging conversations related to these policies.

*Guide to Managing at Duke* is a program that prepares Duke University and Duke Health managers to meet changing strategic, operational, and work culture objectives through effective managerial practices. Participants will learn to develop and enhance skills and perspectives that are essential for managers and leaders. This is accomplished using interactive skill practice, engaged discussion, and other learning methods to work through the human resources cycle.
Outreach and Positive Recruitment
Duke engages in outreach efforts to seek qualified veterans and individuals with disabilities for Duke positions. Several programs and publications are designed to increase awareness and understanding of the needs and challenges presented to these individuals and to make employment and advancement opportunities more accessible.

Duke has developed a collaborative relationship with the Division of Employment Security Commission, NC Works Career Center (formerly JobLink), State of North Carolina Department of Health and Human Services, and the Division of Services for the Deaf and the Hard of Hearing. These collaborations reaffirm Duke’s commitment to effectively seek out potential applicants and support individuals with disabilities. Training sessions are regularly offered for Duke Human Resources Central Recruitment (hereinafter referred to as Central Recruitment) staff to reinforce Duke’s policy and procedures.

To further our outreach efforts, we have established procedures to encourage and monitor employment of individuals with disabilities including, but not limited to, the following:

- Each employing unit must consider each applicant with regard to performing the essential elements of the job competently, with or without reasonable accommodation;
- An individual with a disability who cannot perform the essential functions of the job, with or without reasonable accommodation, is not qualified;
- Applicants for all positions must be given the opportunity to request reasonable accommodations in order to ensure access to the employment application process;
- Any determination of disability status is made in accordance with the affirmative action obligations of Duke and follows the process for requesting exploration of possible coverage and reasonable accommodations;
- The Duke Disability Management System Office (hereinafter referred to as DMS) provides assistance in facilitating the reasonable accommodations process, in partnership with Central Recruitment. Central Recruitment has significantly increased its direct recruitment efforts for veterans through participation in military job fairs several times throughout the year and has a Veterans’ Outreach Coordinator on their team. Participation includes presentations to groups and by individual appointments. Central Recruitment provides guidance for resume writing and the application process for all applicants.

Job listings and announcements for faculty and staff positions include the following statement: Duke University is an Affirmative Action/Equal Opportunity Employer committed to providing employment opportunity without regard to an individual’s age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. Duke also makes good faith efforts to recruit, hire, and promote qualified women, minorities, individuals with disabilities, and veterans.
Job descriptions for staff positions include a statement regarding essential physical and mental requirements for selected positions to indicate job relatedness and business necessity for job function. The statement reads, “Certain jobs at Duke may include essential job functions that require specific physical and/or mental abilities. Additional information and provision for requests for reasonable accommodation will be provided by each hiring department.”

Assessment of the effectiveness of outreach and recruitment efforts is discussed in the “Monitoring and Reporting” section of this Plan.

Recent outreach efforts include the following activities:

- Each year, DMS and Central Recruitment partner with Duke Athletics to co-sponsor the Valor Games. Disabled members of the armed forces participate in athletic competitions that included indoor rowing, power lifting, volleyball, table tennis, and cycling;
- Host speakers from Vocational Rehabilitation Services and Veterans/Disabled Outreach organizations are invited to speak at monthly recruiter meetings to share information about the clientele they serve and how best to advise clients in their Duke job search;
- Assist employees with a disability in effectively searching for jobs and ensuring that they have the tools necessary to do so through a centralized system administered by Duke HR and Duke’s DMS;
- Develop recruitment plans which include discussion points addressing a variety of diverse groups;
- Share Duke job opportunities with local job banks having expertise with veterans’ needs such as the Division of Employment Security, North Carolina Department of Commerce;
- Participate in the Yellow Ribbon GI Education Enhancement Program (Yellow Ribbon Program), a provision of the Post 9/11 Veterans Educational Assistance Act of 2008. This program allows institutions of higher learning (degree-granting institutions) in the United States to fund tuition expenses that exceed the highest public in-state undergraduate tuition rate. The institution can waive up to 50% of those expenses and the Veterans Administration will match the same amount as the institution. All of the schools at Duke participate in this program;
- Throughout the year, Duke hosts and attends career fairs, including: Enable America Job seekers workshop, RecruitMilitary Career Fair (local and regional), North Carolina for Military Employment (NC4ME), and other various community career and job fairs;
- Duke participates in a wide range of conferences, meetings, and events including the Association of Clinical Research Professionals – North Carolina (ACRP-NC) conference, Association of Clinical Research Professionals national...
conference, Council for Entrepreneurial Development – North Carolina (CED-NC) events, and the Boots to Suits Conference;

- Duke partners with Wake Tech Community College and NC Works to provide career support with resume writing, career advising, mock interviews, and employment opportunities at Duke.
Monitoring and Reporting
OVERVIEW

In accordance with 41 CFR 60-2.17(d): Internal Audit and Reporting System requirements, Duke has developed a systematic and comprehensive approach to measure the effectiveness of affirmative action programs and initiatives. There are several processes and reports that allow us to systematically compile, analyze, and share data. In addition to the regulatory compliance obligations, commitment to diversity and equity drives our monitoring efforts.

The Office for Institutional Equity monitors applicant and employee data for individuals who have self-identified as a veteran and/or having a disability. The Duke Disability Management System maintains data on individuals who have indicated the need for reasonable accommodations. Duke retains all records relating to employment decisions for a period of three years from the date the record was made, or the date of the selection decision, whichever occurs later. These records may include but are not limited to: job descriptions, job postings and advertisements, applications and resumes, interview notes, tests and test results, written employment policies and procedures, records pertaining to hiring, assignment, promotion, demotion, transfer, layoff, termination, compensation, personnel files, and requests for accommodation.

Pursuant to regulations, the Office for Institutional Equity prepares and submits an annual report, VETS-4212, to the Veterans’ Employment and Training Service, Department Of Labor. An example of this report is included in Appendix G. The report documents the representation of protected veterans in our workforce. All personnel records are reviewed to determine the effectiveness of Duke’s program for veterans and individuals with disabilities.

Self-assessment is conducted periodically to examine patterns, trends, and effectiveness of institutional policies and practices. Periodic reports are issued setting forth analyses of workforce demographics and trends in personnel activity. The Reduction in Force activity and jobs reports are carefully reviewed. These reports are available upon request from the Office for Institutional Equity and from Duke Human Resources.

The Office for Institutional Equity has the responsibility of developing and preparing the Affirmative Action Plan and supporting documents and oversees the implementation of the annual Duke Affirmative Action Program. In addition, responsibility is also shared and vested with each department manager and supervisor. Managers and supervisors are asked to report any current or foreseeable equity concerns to the appropriate Duke Human Resources representative as well as outline their suggestions or recommendations for addressing the issues.

The Office for Institutional Equity and Duke Human Resources are responsible for monitoring and auditing functions at the institutional level. Pursuant to Final Regulations issued by the Federal Government’s OFCCP, data collection, reporting, and auditing obligations for veterans and individuals with disabilities will be included in the annual review process.
Primary reporting and monitoring procedures consist of the following:

- Maintain accurate and complete records of hiring and personnel activity including applicant flow data, transfers, promotions, terminations, and compensation;
- Review selection decisions related to employment and personnel matters to ensure equal employment opportunity. The Office for Institutional Equity carefully monitors the hiring process for regulatory and equity considerations. Consultation and guidance are offered to both recruiters and hiring managers. Reviews are initiated in areas identified as needing improvement;
- Prepare reports and conduct analyses for purposes of recordkeeping and examining compliance with equal employment opportunity and organizational objectives related to diversity;
- Review reports and analyses with administrators at key levels of management;
- Advise senior leadership of program effectiveness and make recommendations to improve performance, where necessary;
- On an as needed basis, the Office of Audit, Risk and Compliance (OARC) provides expertise, consultation and assessment in matters of compliance and facilitates implementation of a "compliant culture;"
- The Office of Disability Management Systems supports faculty and other instructional staff to work with students through faculty liaisons’ and other small group interactions, such as Lunch and Learn series. A survey is conducted to seek feedback and to evaluate the effectiveness of the sessions.

AUDIT AND REPORTING SYSTEMS

Pursuant to regulations, a periodic self-audit process is used to carefully examine Duke policies and procedures. This process is examined for effectiveness to guard against any gaps.

The following elements may be included in the self-audit process:

- Recruitment, advertising, and job application procedures;
- Implementation of hiring, promotion, upgrading, layoff, and recall from layoff practices;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Implementation of reasonable accommodation policies and procedures;
- Awarding of sick leave, leaves of absence, or implementation of any other leave policies;
- Application of any other term, condition, or privilege of employment, including participation in company-sponsored educational, training, recreational, and social activities.
Duke employees are encouraged to review and update their demographic profile, to include race, ethnicity, veteran status, and disability status. Employees can confidentially update their demographic profile online at Duke@Work. Making sure all personal information is current and accurate helps Duke Human Resources and the Office for Institutional Equity communicate more effectively with faculty and staff and for undertaking equity analysis and reporting findings to address areas of concern.

**ASSESSMENT OF OUTREACH AND POSITIVE RECRUITMENT EFFORTS**

Currently, outreach and recruitment efforts are documented with relevant notes and observations to assist with the evaluation process. A framework for assessment is based on the following criteria with a systematic documentation process to continuously enhance our efforts. While, it is not always possible to determine the exact and direct impact of outreach efforts, Duke makes every effort to evaluate our efforts for effectiveness. Periodic assessments are conducted. Duke will continue to expand its outreach and positive recruitment efforts and develop a systematic process for evaluating the effectiveness of these activities.

Recommended criteria for best practices in evaluating effectiveness:

- To what extent did the activity attract qualified applicants that are protected veterans or have disabilities?
- To what extent did the activity result in the hiring of qualified protected veterans and individuals with disabilities?
- To what extent did the activity expand our outreach to protected veterans and individuals with disabilities in the community?
- To what extent did the activity increase our capacity/capability to include protected veterans and individuals with disabilities in our applicant pool and workforce?
Supporting Data
HIRING BENCHMARK FOR PROTECTED VETERANS

Per regulation 41 CFR 60-300.45(b)(1), Duke has adopted the national percentage of veterans in the civilian labor force provided by the OFCCP, currently at 6.4%, as its hiring benchmark for the 2019 Plan year. Hiring benchmark analysis is available upon request from the Office for Institutional Equity. Duke will continue its affirmative efforts to engage in targeted recruitment for veterans.

Outreach and assessment of effectiveness of outreach and recruitment efforts is a continuous process and action-oriented programs are developed, as necessary.

UTILIZATION ANALYSIS FOR INDIVIDUALS WITH DISABILITIES

Per regulation 41 CFR 60-741.45(a), Duke is required to conduct utilization analyses for individuals with disabilities. Duke has adopted the national utilization goal of 7% as set by the OFCCP. This analysis will guide Duke’s affirmative efforts to engage in targeted recruitment for individuals with disabilities. This analysis is available upon request from the Office for Institutional Equity.

PERSONNEL ACTIVITY AND APPLICANT FLOW LOGS

Per regulations 41 CFR 60-300.44(k) and 41 CFR 60-741.44(k), Duke is required to collect and document applicant flow logs for all employees, including veterans and individuals with disabilities. To protect applicant and employee confidentiality, data pertaining to personnel activity and applicant flow logs is withheld from distribution and/or public inspection to ensure confidentiality.

Supplemental data for veterans and individuals with disabilities at Duke is available upon request from the Office for Institutional Equity.
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Appendix A: Glossary of Terms
Duke utilizes the following definitions, as provided by the relevant statutes, in the application of its affirmative action program.

**VETERANS RELATED TERMS**

Pursuant to the OFCCP 2013 Final Rule and the revised VETS 4212 annual report, the data will be reported as “protected veterans.”

**Protected Veteran**

A veteran who is protected under the nondiscrimination and affirmative action provisions of VEVRAA is an individual who falls within one or more of the following four categories of veterans:

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

- **Armed Forces Service Medal Veteran**
  Any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

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

- **Recently Separated Veteran**
  Any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval or air service.

**Other Veteran Categories Used Prior to the 2013 Final Rule**

- **Special Disabled Veteran**
  A veteran who served on active duty in the U.S. military ground, naval, or air service and (1) who was discharged or released from active duty because of a service-connected disability, or (2) who is entitled to compensation (or who, but for the receipt of military retired pay would be entitled to compensation) for certain disabilities under laws administered by the Department of Veterans Affairs (i.e., disabilities rated at 30 percent or more, or at 10 or 20 percent if the veteran has been determined to have a serious employment handicap).
• Veteran of the Vietnam Era
A veteran of the U.S. military, ground, naval, or air service, any part of whose service was during the period of August 5, 1964, and May 7, 1975, who (1) served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge, or (2) was discharged or released from active duty because of a service-connected disability. It also includes any veteran of the U.S. military, ground, naval, or air service who served in the Republic of Vietnam between February 28, 1961, and May 7, 1975.

• Pre-JVA Recently Separated Veteran
An individual who is an employee of or applicant to a contractor with a contract of $25,000 or more entered into prior to December 1, 2003 and unmodified since to $150,000 or more, and who is a special disabled veteran, veteran of the Vietnam era, pre-JVA recently separated veteran, or other protected veteran.

Other Protected Veteran
A person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

DISABILITY RELATED TERMS

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

Individual with a Disability
Any individual who:

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

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

Major Life Activities
In order for a disability to be covered by the ADA, an impairment must substantially limit one or more major life activities. Examples include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function including but not limited to functions of the immune system, normal cell growth, digestive, bowel,
Appendix A: Glossary of Terms

bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Mental Impairment**

Any mental or psychological disorder, such as intellectual disabilities (formerly called “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Physical Impairment**

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

**Reasonable Accommodation**

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

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

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

**Record of a Substantially Limiting Condition**

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

**Regarded as having such an impairment**

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

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

*Substantially Limits*

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

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

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

*Transitory and Minor Impairments*

A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

*Undue Hardship*

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

INTRODUCTION

Harassment of any individual for any reason is not acceptable at Duke University. Harassment is a form of prohibited discrimination and may arise in situations unique to a given interpersonal relationship or in actions rooted in an attitude toward a group. Sexual harassment is perhaps the most commonly understood form of harassment, but it is important to note that harassment on any demographic basis—including age, color, disability, national origin, sex, gender identity, gender expression, race, religion, class, veteran status, institutional status, or sexual orientation—also occurs and is expressly forbidden. Abuse of the relationship between teacher and student, or provider and patient, is of particular concern because of the educational and health care missions of Duke University. In all cases, harassment undermines the University’s commitments to excellence and to respect for the dignity and worth of all individuals.

Administrative responsibility for implementing the Duke University Harassment Policy rests with the Office for Institutional Equity (OIE). Dr. Benjamin D. Reese, Vice-President for Institutional Equity has been designated the Duke University Coordinator for 1) Section 504 of the Rehabilitation Act of 1973 and 2) the Age Discrimination Act of 1975. Jayne Grandes, Director of Title IX Compliance, has been designated the Duke University Coordinator for Title IX of the Education Amendments of 1972. They may both be contacted at the Office for Institutional Equity, Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, North Carolina 27708. You may contact them by telephone at (919) 684-8222 or by email at ben.reese@duke.edu or jayne.grandes@duke.edu.

This policy against harassment is consistent with the University’s valuation of academic freedom. Duke University is committed to the free and vigorous discussion of ideas and issues, which the University believes will be protected by this policy. This Harassment Policy shall be applied in a manner that protects the academic freedom of all parties to a complaint. Academic freedom and the related freedom of expression include, but are not limited to, the civil expressions of ideas—however controversial—in the classroom, residence halls, and other teaching and student living environments. In addition to this Harassment Policy and Procedures, Duke University and Duke University Health System also provide educational programs to raise the level of understanding about the nature of harassment and ways to prevent its occurrence. These programs may be found on the website of the Office for Institutional Equity: www.duke.edu/web/equity.

Note: The Duke University Sexual Misconduct Policy is applicable in cases involving sexual or related misconduct by undergraduate, graduate or professional students. This policy is administered by the Duke University Office of Student Conduct, 200 Crowell Hall, (919) 684-6938, conduct@duke.edu.

This policy can be viewed at: http://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix
The Student Sexual Misconduct Policy applies to any instance in which any Duke student is alleged to have engaged in sexual or related misconduct, regardless of the complainant’s or respondent’s sex, gender, sexual orientation, or gender identity. The university may respond to any complaint of sexual misconduct that occurred within a student’s career, from matriculation to graduation (including breaks, leaves of absence, or periods of dismissal), whether on or off campus. The disciplinary process is available as an option until an accused student graduates.

If you are a Duke employee, faculty or physician and have a concern or question regarding these procedures or any provision of Duke’s harassment policy, you may contact OIE at (919) 684-8222, your department chair, supervisor, manager, or director or Duke Human Resources Staff and Labor Relations. In these instances, the Duke Harassment Policy would apply.

If you are a Duke applicant for employment, applicant for admissions, visitor or patient, there are resources to assist you with your concern or question involving harassment. You may contact the office or department with whom you directly interacted or you may contact OIE at (919) 684-8222. If you are an applicant for employment, you may also contact Duke Human Resources. If you are an applicant for admission, you may also contact the admissions office of the appropriate school. In these instances, the Duke Harassment Policy and the Duke Nondiscrimination Policy would apply.

Anyone can consult directly with the Office for Institutional Equity for guidance at (919) 684-8222 or at www.duke/edu/web/equity.

DEFINITIONS

Harassment may take two forms:

The first form of harassment is unwelcome verbal or physical conduct—which may or may not be sexual in nature—that, because of its severity and/or persistence, creates

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2 The University and Health System adopt the definitions of harassment found in the Equal Employment Opportunity Commission (EEOC) Guidelines, the Department of Education's Office for Civil Rights and relevant U.S. federal case law. The Duke Harassment Policy expands upon those definitions by including, among other things, harassment on the basis of sexual orientation and gender identity.

Moreover, alleged harassing conduct may also be criminal in nature. If you believe you have been subjected to criminal behavior, you may choose to submit a report to Duke Police or a local law enforcement agency. Pursuit of a criminal complaint does not preclude appropriate and responsive University action or action pursuant to this policy.

Other University rules, policies, and manuals (e.g., the Duke University Statement of Nondiscrimination, the Duke Staff Handbook, the undergraduate Duke Community Standard guide) may prohibit behavior that is not definable as harassment per se. Persons who believe they have been subject to inappropriate behaviors not covered by this Harassment Policy, or who are unclear about whether those behaviors constitute harassment, are encouraged to seek assistance from their supervisors, Duke Human Resources, Staff and Labor Relations, Duke University Office of Student Conduct and/or the Office for Institutional Equity.
a hostile environment by interfering significantly with an individual's work or education, or adversely affects an individual's living conditions. The second form of harassment occurs if a person uses a position of authority to engage in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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

The conduct alleged to constitute harassment under this Policy shall be evaluated from the perspective of a reasonable person similarly situated to the complainant and in consideration of the context of the behavior.

Harassment must be distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

Examples of conduct that may constitute harassment include:

- Continued unwelcomed questioning about intimate or personal matters outside the scope of work or learning
- Unwelcome touching or physical acts outside the scope of work or learning
- Unwelcome comments or jokes of a sexual or explicit nature
- Unwelcome comments or conduct regarding an individual’s race, color, religion, sexual orientation, gender identity, age, disability, etc.
- Sending e-mails that contain unwelcome, extreme or persistent messages, images or language
- Persistently joking about an individual’s age, disability, country of national origin, color, sexual orientation, religion, gender identity, etc.

Harassment can occur outside of conduct sexual in nature. Harassment may also be verbal, non-verbal or physical and the above list is not exhaustive, but intended only to provide general examples of possible prohibited conduct. In considering whether conduct has violated the harassment policy, the totality of the circumstances is examined. Members of the Duke community are encouraged to bring specific questions and concerns to the attention of the appropriate Duke University administrator, as set forth in subsequent sections of this policy.

Allegations of sexual misconduct committed by undergraduate, graduate, and professional students (including peer-on-peer misconduct) are addressed through the Duke University Student Sexual Misconduct Policy: Duke's Commitment to Title IX.

As used herein, *complainant* refers to the person making an allegation or complaint of harassment.
The term **respondent** refers to the person against whom the allegation or complaint of harassment is made.

An **allegation** is a statement by a complainant that he or she believes an act of harassment has occurred.

A **complaint** is a formal notification, either orally or in writing, of the belief that harassment has occurred. A complaint may be handled through either the informal or formal process for resolving claims of harassment.

**SCOPE**

**Duke Staff, Faculty, Students**

This Harassment Policy applies to all persons who are enrolled at or employed by Duke University and Duke University Health System, including their entities and subsidiary organizations, while they are on university property or are participating in a university-related activity off-campus. All aspects of the Harassment Procedures described below apply to situations in which both complainant and respondent are enrolled or employed at Duke University or its subsidiaries. However, the Duke University Student Sexual Misconduct Policy: Duke’s Commitment to Title IX is applicable in cases involving student peer-to-peer physical sexual misconduct. Claims by or against a member of the Office for Institutional Equity will be handled by the Office of the President or his or her designate.

**All Others**

Situations that involve other individuals (e.g., visitors, patients, graduates of Duke University, applicants for admission or employment, or former employees) who believe they have been harassed by someone either employed by or enrolled at Duke University or Duke University Health System, either on campus or in a university-related activity, may be addressed only through the informal process for handling complaints described under the Procedures for Evaluation and Resolution of Claims of Harassment under Section III (“Management of Harassment Complaints”), Subsection D (“Informal vs. Formal Process for Managing Complaints of Harassment”).

Situations in which Duke University or Duke University Health System employees or students believe they have been harassed by visitors to the University or contractors or vendors serving the University will be resolved through the informal process.

Individuals who have questions about the Harassment Policy or who wish to file a complaint of harassment should contact the Office for Institutional Equity, Assistant Vice President for Harassment and Discrimination Prevention and Compliance, Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Box 90012, Durham, North Carolina 27708, by telephone at 684-8222 or visit the OIE website: www.duke.edu/web/equity.

**STATUTE OF LIMITATIONS**

An allegation or complaint of harassment should be submitted to the appropriate individual or office as soon after the offending conduct as possible. A complaint against a student may be filed at any time and is actionable under the university’s disciplinary process up to the point the accused student graduates. For all other respondents, a
complaint must be filed no more than one year after the most recent conduct alleged to constitute harassment. While the Office for Institutional Equity may grant a reasonable extension of any other deadline established in the following procedures, the one year limit in which complainants may submit an allegation or complaint shall not be extended.

This statute of limitations is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect respondents against complaints that are too old to be investigated effectively. If the nature of the allegation or complaint is particularly egregious, as determined by the Office for Institutional Equity, OIE has the authority to act as complainant beyond the one-year statute of limitations, provided that this office initiates the complaint within a year of learning about the alleged incident(s) and the evidence is available to support an effective investigation.

CONFIDENTIALITY

Duke University and Duke University Health System recognize that confidentiality is important. Breaches of confidentiality compromise the ability of the University to investigate and resolve claims of harassment. Duke University and Duke University Health System will attempt to protect the confidentiality of harassment proceedings to the extent reasonably possible. All participants in the process (including the complainant and respondent, witnesses, advisors, mediators, members of hearing panels) are expected to respect the confidentiality of the proceedings and circumstances giving rise to the dispute. Until resolution has been achieved, participants are expected to discuss the matter only with those persons who have a genuine need to know.

Although the University and Health System are committed to respecting the confidentiality and privacy of all parties involved in the process, they cannot guarantee complete confidentiality.

Examples of situations in which confidentiality cannot be maintained include:

- When the University or Health System is required by law to disclose information (such as in response to legal process).
- When disclosure of information is determined by the Office for Institutional Equity and/or the department to be necessary for conducting an effective investigation of the claim.
- When confidentiality concerns are outweighed by the University or Health System’s interest in protecting the safety or rights of others.

RETELATION

Any individual who believes s/he has been subjected to harassing conduct is encouraged and has the right to seek support, utilize available resources and come forward with his/her concern or complaint. Fear of retaliation should never be an obstacle to reporting an incident of alleged harassment. The Duke Harassment Policy, as well as Title IX, Title VI and other applicable federal laws prohibit retaliation against a
complainant or an individual who participates in an investigation of or follow-up to a complaint of harassment. This policy prohibits retaliation:

Against the Complainant

It is a violation of Duke’s Harassment Policy to retaliate against a complainant for making a claim of harassment. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may reassign the supervisory relationship—to ensure that retaliation does not occur.

Against the Respondent

A claim of harassment is not proof of prohibited conduct. A claim shall not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the University’s Harassment Policy has been violated. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.

Against a Witness or Participant in the Investigation

It is also a violation of the Duke Harassment Policy to retaliate against individuals providing information related to a complaint.

Claim of Retaliation

A claim of retaliation by a complainant, respondent or witness may be pursued using the steps followed for an allegation or complaint of harassment.

FALSE OR MALICIOUS COMPLAINTS

Knowingly filing a false or malicious complaint of harassment or of retaliation is a violation of the Harassment Policy. Such conduct may be pursued using the steps followed for a complaint of harassment.

The full version of the harassment policy, including the procedures for evaluation and resolution of claims of harassment, can be found on the Office for Institutional Equity website (https://oie.duke.edu/we-can-help/complaints-and-concerns/harassment).
Appendix C: Duke Nondiscrimination Statement
Duke University is committed to encouraging and sustaining a learning and work community that is free from prohibited discrimination and harassment. The university prohibits discrimination on the basis of race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, gender expression, sex, genetic information, or age in the administration of its educational policies, admission policies, financial aid, employment, or any other university program or activity. The university also makes good faith efforts to recruit, employ and promote qualified minorities, women, individuals with disabilities, and veterans. It admits qualified students to all the rights, privileges, programs, and activities generally accorded or made available to students.

The university also does not tolerate harassment of any kind. Sexual harassment and sexual misconduct are forms of sex discrimination and prohibited by the university. Duke University has designated the Vice President for Institutional Equity as the individual responsible for the coordination and administration of its nondiscrimination and harassment policies. The Office for Institutional Equity is located in Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, North Carolina 27708.

Questions or comments about harassment or discrimination can be directed to the Office for Institutional Equity, (919) 684-8222. Additional information, including the complete text of the harassment policy and appropriate complaint procedures, may be found by contacting the Office for Institutional Equity or visiting its website at: www.duke.edu/web/equity/. For further information on notice of nondiscrimination, you can contact the appropriate federal office by visiting the website: wdcroboclp01.ed.gov/CFAPPS/OCR/contactus.cfm for the address and phone number of the office that serves your area, or call 1(800) 421-3481.
Appendix D: Reasonable Accommodation Process Forms
Duke has developed a comprehensive Reasonable Accommodation Process (RAP) to explore possible workplace accommodations for Duke University and Duke Health employees. To initiate the RAP, the following forms and supporting documents must be completed and submitted to the Duke Disability Management System (DMS) office. All questions and information related to disability matters and the RAP should be directed to the DMS at 919-684-8247, TTY 919-668-1329, or www.access.duke.edu. Forms and related information are available in alternative format upon request. The four forms listed below are included with this Appendix.

- Reasonable Accommodation Process – Page 70
- Reasonable Accommodation Request Forms:
  - Reasonable Accommodation Request Form - Page 71
  - Health Care Provider Medical Information Request Form – Page 72
  - Fire Safety Referral Form – Page 73

Each of these items receives regular updates and is disseminated by Duke’s DMS located at 402 Oregon Street, Suite 102, Box 90142, Durham, NC 27708.
The Disability Management System (DMS) is the office on campus charged with the responsibility of working with qualified employees with disabilities in exploring possible coverage and associated necessary and appropriate accommodations for purposes of Section 504 of the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008. We have an interactive process in place for employees who request to be considered for necessary and appropriate accommodations that includes the employee, DMS, Employee Occupational Health & Wellness (EOHW) and the supervisor/HR Representative. Please note: this is a voluntary process.

1. Submit a Reasonable Request form (which you can fill out online at www.access.duke.edu or fill out a hard copy, scan and email to dukeedm@duke.edu, fax to (919) 668-3977, mail to 402 Oregon Street, Suite 102, Durham, NC 27708, or drop by our office). Our office hours are 9:00am to 4:00pm.
2. You (the employee) should expect to hear from EOHW within a week of corresponding with DMS. If you (the employee) have not heard back from EOHW after one week, please contact EOHW at 919-681-0518.
3. After reviewing your documentation and possibly meeting with you as needed, EOHW will make the determination if your impairment meets the criteria of a disability under the ADA and if the accommodations requested are medically necessary for your condition based on the disabling health condition.
4. Our department (DMS) will receive a copy of the report from EOHW.
5. If your impairment meets the criteria of a disability, DMS will request from your supervisor an Essential Job Function Analysis form. All we state to the supervisor is that you are seeking reasonable accommodations and they must fill out the form to explain your essential job function. No personal health information is shared with your supervisor.
6. Once we have received the completed Essential Job Function Analysis form, the DMS office will send a letter to your supervisor (we do not disclose your disability) and ask if the listed accommodations recommended by your Health Care Professional and reviewed by EOHW would be able to be implemented by your work unit.
7. If your department is able to implement your requested accommodations, you will be notified by a member of the DMS team via letter that your requested accommodations will be implemented.
• Contact your Supervisor to schedule a meeting to discuss how the accommodations will be implemented.
8. If your department states no, they must give a detailed description of the business necessity to DMS that prevents them from implementing the accommodations. You will be notified by a member of the DMS team via letter that we were unable to identify any reasonable accommodations that would enable you to perform the essential components of your position.
• Contact your Supervisor and Human Resource Representative to schedule a meeting to discuss your work status and/or leave options.

After you meet with your Supervisor, contact DMS for a referral to Transition Services. Duke will work to reassign you to a vacant position that is equivalent in terms of pay, status, or other relevant factors (e.g., benefits, geographical location) if you are qualified for the position. If there is no vacant equivalent position, Duke will reassign you to a vacant lower level position for which you are qualified. Please note, there is a possibility that there may be no vacant positions for which you are qualified. You (the employee) will be placed on an ADA protected Personal Leave Of Absence while Duke works with you to explore reassignment.

Please note: if your requested accommodation is temporary (less than 6 months) possible accommodations may include, but are not limited to, the following: temporary reassignment to alternate work or another position in your department, FMLA, extension of job protection as an accommodation, a Personal Leave of Absence or short term disability.

Your signature acknowledges that you have read and understand this document.

| Employee Signature and Date | Staff Signature and Date |

THIS DOCUMENT IS CONFIDENTIAL. ALL RECIPIENTS ARE NOTIFIED THAT IF THIS INFORMATION COMES TO YOU BY MISTAKE, ANY DISSEMINATION, USE OR REPRODUCTION OF THE INFORMATION IS PROHIBITED. IF YOU RECEIVE THIS INFORMATION IN ERROR, PLEASE NOTIFY THE SENDER.
CONFIDENTIAL
DUKE UNIVERSITY

Reasonable Accommodation Request Form – Employment

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

DUHS/Campus/SOM or SON/PDC/PRMO/Other: Department/Unit (Ex. Pediatric/Cardiology):

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

Employee: Telephone:

Work Address and Email Address:

Home Address and Personal Email Address:

Job Title: Duke Unique ID:

Department Head/ Supervisor: Telephone:

Address:

Human Resources Officer/Representative/Personnel Rep: Telephone:

Address:

Have you contacted Employee Occupational Health and Wellness? Yes Date of Contact No

The accommodation requested is: __________________________________________

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

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

_________________________ ______________________
Date Employee’s Signature

Appendix D: Reasonable Accommodation Process Forms 61
HEALTH CARE PROVIDER MEDICAL INFORMATION REQUEST FORM

I____________________, voluntarily give Duke University permission to contact

Dr. (s) ________________________________

Address ____________________________________________, as necessary, for
discussion of my case as it relates to possible limitations of a major life activity, which can
affect my employment. I have been given an opportunity to ask questions regarding this form
and to have those questions answered to my satisfaction. I further understand that all
information obtained from this interaction will be maintained and used in accordance with
applicable confidentiality requirement.

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

Employee Signature: ___________________________
Date: ___________________________
# FIRE SAFETY REFERRAL FORM

**IMPORTANT NOTE:**

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

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

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

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

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

Yes [ ] No [ ]

If yes, what are they?

Do you need assistance for emergency evacuation?

Yes [ ] No [ ]

If yes, what type of assistance do you need?

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

Yes [ ] No [ ]

If yes, what will you need?

---

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

**This form was completed by:**

- **Date:**
  - Employees should return or fax the completed form along with the Signed Reasonable Accommodation Request form and Health Care Provider Release form to the Disability Management System office at 402 Oregon Street, Box 90142, Fax: 668-3977.
  - Students should contact the Disability Coordinator at the Disability Management System-Student Disability Access Office (SDAO) to discuss and complete the form.

**Note:** The Disability Management System representative or the Student Disability Access Office Coordinator will forward or fax the completed form to OESO-Fire Safety Division, 1411 Hall Street, Box 90827, Fax: (919) 684-5487.

**OCCUPATIONAL & ENVIRONMENTAL SAFETY OFFICE (OESO)**

Date form received from DMS or SDAO______________.

Date facility surveyed__________________________.

Date Site Specific Fire Plan developed______________.

Date Training conducted__________________________.

Fire Safety Division personnel will return the completed form along with the site-specific fire plan to:

**For Employees:** Disability Management System, 402 Oregon Street, Box 90142 or Fax to (919) 668-3977.

**For Students:** Disability Management System, Student Disability Access Office (SDAO), 402 Oregon Street, Box 90142 or Fax to (919) 668-3977.
Appendix E: Suggested Alternative Format Statements
Duke is a contracting party within the meaning of Section 503/504 of the Rehabilitation Act of 1973. As such, it is recommended that the following alternative format and accommodation statements be used where applicable.

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

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

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

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

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

  Persons with disabilities who anticipate needing accommodations or who have questions about physical access may contact (telephone number of the sponsor) in advance of the program (or film, event, etc.).
Appendix F: Voluntary Self-Identification Forms
Applicants for faculty and staff positions are invited to declare their veteran and/or disability status in both the pre- and post-offer phases of the employment process. Submission of such information is voluntary. Duke University and Duke Health faculty and staff may update their veteran and disability status via the employee self-service web site, Duke@Work. Self-identification forms for veterans and individuals with disabilities are included with this Appendix.

**Voluntary Self-Identification of Veteran Status**

<table>
<thead>
<tr>
<th>Date:</th>
<th>Name:</th>
<th>Duke Unique ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department:</th>
<th>Duke Address:</th>
<th>Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

- [ ] I identify as one or more of the classifications of protected veterans:
  - [ ] Disabled Veteran
  - [ ] Recently Separated Veteran
  - [ ] Active Duty Wartime or Campaign Badge Veteran
  - [ ] Armed Forces Service Medal Veteran
- [ ] I am a protected veteran, but I choose not to self-identify the classifications to which I belong
- [ ] I am NOT a protected veteran

To indicate your veteran status, please complete this form and submit to your payroll representative. You may also send it to Human Resources at the following address:

**Duke Human Resources**

705 Broad Street
Box 90496
Durham, NC 27705

*This invitation is available in alternative format upon request. Please call (TTY) 919-668-1329.*

*For veteran status definitions, please visit www.duke.edu/web/equity/resources/veterans.html*
Voluntary Self-Identification of Disability

Why are you being asked to complete this form?

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

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

How do I know if I have a disability?

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

Disabilities include, but are not limited to:

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

Please check one of the boxes below:

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

______________________________  ______________________________
Your Name                        Today’s Date

Form continues on next page.
Voluntary Self-Identification of Disability

Reasonable Accommodation Notice

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

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

PUBLIC BURDEN STATEMENT: According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.
Appendix G: Federal Contractor Veterans’ Employment Report
The DOL Veterans’ Employment and Training Service (VETS) and the Office of Federal Contractor Compliance Programs supports affirmative action to employ and advance in employment protected veterans. As legislatively mandated under 38 U.S. Code, Section 4212, codified at 41 CFR 61-300, contractors and subcontractors who enter into, or modify a contract or subcontract with the federal government, and whose contract meets the criteria set forth in the above legislation/regulations, are required to report annually on their affirmative action efforts in employing veterans. A sample form is included with this Appendix and a completed report is available upon request.
# Appendix G: Federal Contractor Veterans’ Employment Report

## Federal Contractor Veterans' Employment Report VETS-4212

**O&M No:** 10-005

**Return Completed Report To:**

**VETS-4212 Submission**

**Service Center**

**In care of:** Department of Labor National Contact Center (202) 691-4800

2425 Jackson Blvd

Springfield, VA 22153

---

**Company Identification Information:**

**ATTN:** Human Resource/EO Department

---

### COMPANY ID INFORMATION

**COMPANY NAME:**

**ADDRESS (NUMBER AND STREET):**

**CITY:**

**COUNTY:**

**STATE:**

**ZIP CODE:**

**NAME OF COMPANY CONTACT:**

**TELEPHONE FOR CONTACT:**

**EMAIL:**

**NAME OF HIRING LOCATION:**

**ADDRESS (NUMBER AND STREET):**

**CITY:**

**COUNTY:**

**STATE:**

**ZIP CODE:**

---

### INFORMATION ON EMPLOYEES

Report the total number of employees and new hires who are protected veterans, as defined in the instructions. Data on number of employees are to be entered in columns A and B. Lines 11 through 19, data for new hires are entered in columns C and D. Line 30 is total of each column. Entries in columns C and D, lines 11 through 19, (gray shaded) areas are optional. Enter the maximum and minimum number of employees.

<table>
<thead>
<tr>
<th>JOB CATEGORIES</th>
<th>NUMBER OF EMPLOYEES</th>
<th>NEW HIRES (PREDVIOUS 12 MONTHS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PROTECTED VETERANS</td>
<td>TOTAL EMPLOYEES</td>
</tr>
<tr>
<td></td>
<td>(A)</td>
<td>(B)</td>
</tr>
<tr>
<td>EXECUTIVE/SENIOR LEVEL OFFICIALS AND MANAGERS</td>
<td>1.4</td>
<td>1.4</td>
</tr>
<tr>
<td>PROFESSIONALS</td>
<td>5.5</td>
<td>5.5</td>
</tr>
<tr>
<td>TECHNICIANS</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>SALES/WORKERS</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>ADMINISTRATIVE SUPPORT WORKERS</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>CRAFT WORKERS</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>OPERATIVES</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>LABORERS, HELPERS</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>SKILLED WORKERS</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>TOTAL EMPLOYEES</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

Report the total maximum and minimum number of permanent employees during the period covered by this report:

<table>
<thead>
<tr>
<th>Maximum Number</th>
<th>Minimum Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Form:** VETS-4212 11/2014

---

### Notes:

- This form is used by federal contractors to report veterans' employment statistics.
- It is required to be completed and submitted to the Department of Labor.
- The form collects data on the number of employees and new hires who are protected veterans.
- The data is entered in specific columns and lines, with optional areas shaded in gray.
- The maximum and minimum number of permanent employees during the period covered by the report are also reported.
Appendix H: Labor Law Posters and Duke Notices
The image below reflects a compliant board with Federal and State of North Carolina labor law posters and Duke policies and statements on display at various locations across the University and Duke Health. All poster locations are reviewed annually by the Office for Institutional Equity. Department managers are supported in acquiring the posters and in communicating with the staff regarding the regulations, employee rights, and process for bringing forth workplace concerns.

Source: Federal Wage and Labor Law Institute
Appendix I: Recruitment Event Assessment Tool
RECRUITMENT EVENT ASSESSMENT TOOL

This form is designed to collect data on recruitment events that are attended by all Duke representatives. Duke University and Duke Health is an equal opportunity employer that continually supports diversity in employment. If you have questions about this form please contact your direct supervisor. You are required to complete & return form to your supervisor within 7 business days of your return to Duke. Supervisors and/or Duke representatives please share this form with the Assistant Director of Central Recruitment for data collection.

EVENT DETAILS

Name of Event: ____________________________

Date of Event: __________ Location: ____________________________

1. Event Description (include audience, was the event marketed to a targeted audience, purpose, etc.)

   [Blank space for handwritten or typed description]

2. Name all Duke Representatives who attended event in a recruitment capacity:

   [Blank space for handwritten or typed names]

3. What types of literature/materials were distributed at the event:

   [Blank space for handwritten or typed description]

---

Tool continues on next page.
The following questions may not apply directly to your event, however please answer to the best of your

4. Did you refer potential candidates to the Duke Application Tracking System:  ☐ YES  ☐ NO

5. Did you accept resumes:  ☐ YES  ☐ NO

6. Did you conduct on-site interviews:  ☐ YES  ☐ NO

RECRUITER OBSERVATIONS
Please answer the following questions to the best of your knowledge:

7. Total number of event attendees (Approximate): ________________

8. Total number of individuals attending event who indicated they are disabled: ________________
   Does the event provide this information?  ☐ YES  ☐ NO

9. Total number of individuals attending event who stated/have veteran status: ________________
   Does the event provide this information?  ☐ YES  ☐ NO

10. Would you recommend participating in this event again?  ☐ YES  ☐ NO

Please provide additional feedback on your experience at the event in the space below (ie. What worked well, changes you would recommend, new promotional products of interest, etc.):

Form completed by: ___________________________  Date: _______________________

Department: ___________________________  Title: ___________________________
Appendix J: Contacts and Resources
**CONTACTS**

Disability Management System ................................................................. 919-668-1267  
Reasonable Accommodations Process ...................................................... 919-684-8247  
Parking and Transportation Services ......................................................... 919-684-7275  
Duke Police (*for emergencies, dial 911*) ................................................... 919-684-2444  
Employee Occupational Health and Wellness ........................................... 919-684-3136  
Faculty Ombudsperson ........................................................................... 919-613-7055  
Human Resources ....................................................................................... 919-684-5600  
Office for Institutional Equity .................................................................... 919-684-8222  
Office of the University Registrar ............................................................. 919-684-2813  
Patient and Visitor Relations ..................................................................... 919-681-2020  
Personal Assistance Service ...................................................................... 919-416-1727

**RESOURCES**

ADA Standards for Accessible Design ....................................................... www.ada.gov  
American Foundation for the Blind .......................................................... www.afb.org  
Community Outreach to Veterans and People with Disabilities .................. www.localjobnetwork.com  
disABLEDperson ..................................................................................... www.disabledperson.com  
Eastern Paralyzed Veterans Association (EPVA) ....................................... https://www.pva.org/  
Employer Assistance & Resource Network ............................................... www.askearn.org  
Job Accommodation Network .................................................................. www.askjan.org  
National Business & Disability Council .................................................... www.viscardicenter.org/nbdc  
Southeast ADA Center ............................................................................. www.adasoutheast.org  
U.S. Department of Justice (DOJ) ............................................................... www.justice.gov  
U.S Department of Veterans Affairs .......................................................... www.va.gov  
U.S. Office of Civil Rights (OCR) ............................................................... www2.ed.gov/about/offices/list/ocr/index.html  
Veterans’ Employment & Training Service (VETS) ................................. www.dol.gov/vets  
Veterans Entering Transition ................................................................... www.myusvet.org