

# Inclusive Hiring Strategies, Principles, and Checklists



Thank you for walking on this journey with us at Ball State University as we aspire to carry out our Beneficence Pledge and our Strategic Plan goals to create a more diverse, equitable, and inclusive campus and culture!

This document contains five key resources for building a search process that reaches the most qualified candidates, and in the process creates a more diverse applicant pool. These resources provide a guide to search terms to accomplish the Inclusive Excellence Plan goal to create a more diverse staff and faculty. The guide includes:

- **The Broader Context**, p. 2
  - Understand how the work of your search committee connects to the University's strategic plan and address inclusive excellence goals.
- **Steps for the Search Process**, p. 3-4
  - A step-by-step guide on the processes needed to conduct a thorough, fair and equitable search process including links to support documents.
- **The Inclusion Continuum**, p. 5
  - Illustrates the building block towards our aspirational path to greater diversity and inclusion
- **Sample Unit Diversity Plan for Recruitment**, p. 6
  - Departments are encouraged to develop an overall recruitment plan that will guide search practices specific to the department/unit to incorporating inclusive practices and outreach plans into their hiring processes
- **Inclusive Excellence Statement Requirement & Timing of Faculty Searches**, p. 7
  - Faculty, Professional, and Staff Searches will ask candidates to describe how they would contribute to Inclusive Excellence on campus
- **Checklist for Search Committee Chairs for Inclusive Searches**, p. 8
  - This checklist serves to ensure search committees accomplish the tasks needed for inclusive hiring
- **Glossary of Terms**, p. 9-21
  - Reference of terms used in inclusive excellence, affirmative action, equal opportunity

## **The Broader Context**

### ***The Overall Strategic Plan***

Ball State University has embarked on the “**Destination 2040 Our Flight Path**” as the 2019-2024 campus strategic plan. Woven throughout this document is our commitment to diversity, equity, and inclusion with a specific emphasis on Inclusive Excellence with Goal 5.

### **GOAL 5 – INSTITUTIONAL AND INCLUSIVE EXCELLENCE**

Our University is distinguished for institutional effectiveness and inclusive excellence across all dimensions of our work and for our positive and vibrant culture of wellbeing that helps our faculty and staff lead engaged and meaningful lives.

The full Campus Strategic Plan can be accessed here: <https://www.bsu.edu/-/media/www/images/strategicplan/ball%20state%20university%20strategic%20plan.pdf?la=en&hash=DBA31978DD2AA3661FBA16C2DB2F7B026E65D548>

Additionally, **Goal 1 Objective H**. Calls for a more diverse University community—students, faculty, staff, and alumni—enriches the campus experience and improves educational outcomes for all of our students.

Also, **Goal 5 Objective C**. reminds us that our human resource policies, procedures, and business processes enable us to recruit and retain outstanding people.

### ***The Inclusive Excellence Plan to Implement the Overall Strategic Plan on Recruitment***

At Ball State University, we recognize inclusive excellence as an integral endeavor to fulfill our University’s mission and our strategic plan. The full Inclusive Excellence plan can be accessed here: <https://www.bsu.edu/-/media/www/departmentalcontent/inclusiveexcellence/ieplan/inclusive-excellence-plan.pdf?la=en&hash=AB967A9146492DA880DA0155DBE34C6A50589CED>

Our Inclusive Excellence Plan Articulates six goals the first of which is “Recruitment” supported by three Objectives.

**GOAL 1 RECRUITMENT** Achieve a more diverse and culturally representative undergraduate and graduate student body, faculty, and staff. Our goal is to have a campus that is accessible and equitable and that is representative of the rich diversity in our communities.

#### **Objective 1 – To create a more diverse undergraduate student body**

1. Assess current pipeline programs and implement selected pipeline recruitment initiatives to augment and support existing efforts
2. Include alumni from diverse backgrounds in marketing and student recruitment opportunities and programs

#### **Objective 2 – To create a more diverse graduate student body**

1. Enhance our strategies to recruit a diverse graduate student population
2. Establish one or more pipeline programs to ensure diverse students are able to graduate and proceed further on their flight paths (i.e., getting a PhD or beginning their careers)

#### **Objective 3 – To create a more diverse staff and faculty**

1. Increase recruitment strategies that attract underrepresented and diverse groups when hiring new faculty and staff.

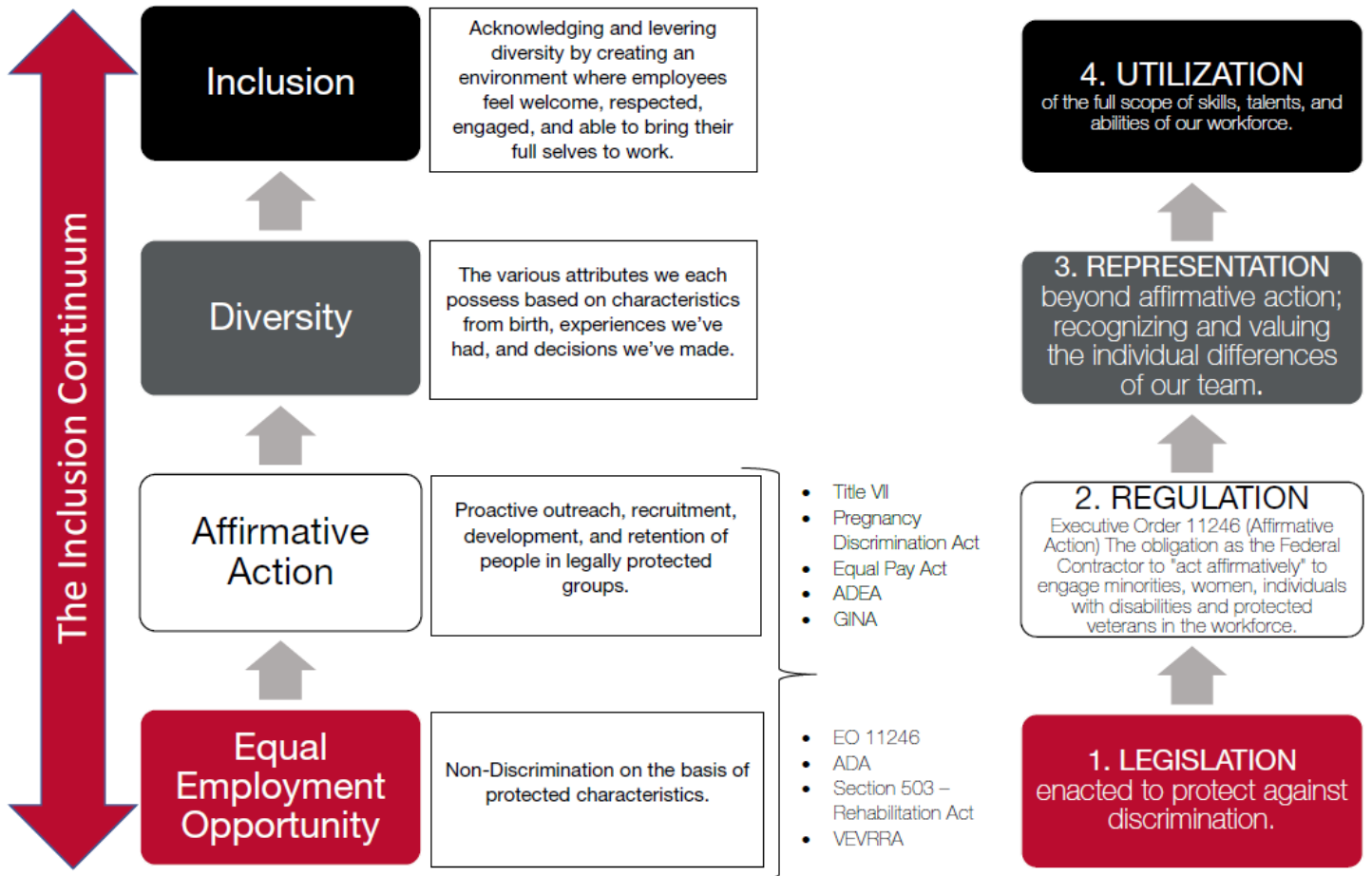
## Pursuing Inclusive Excellence Plan Objective 3

This section provides further elaboration on how to reach Objective 3: *To attract underrepresented and diverse groups when hiring new faculty and staff.*

<b>PREPARING FOR THE SEARCH:</b>	<b>Responsible For:</b>
<b>1. Stating your values</b> – Make sure your unit is familiar with the campus Strategic Plan and Inclusive Excellence Plan. If your Unit has mission and vision statements, be sure to re-familiarize yourself with those as well.	Dean/AVP and Dept. Chair/Director
<b>2. Clarifying your goals</b> – Be sure to review your diversity plan to confirm your objectives (see below)	Hiring Manager/Search Committee
<b>3. Forming the Committee</b> – Be sure to recruit a group of individuals with diverse perspectives and experiences.	Dean/AVP; Dept. Chair/Director; Hiring Manager
<b>4. Preparing the Committee</b> – Make sure that your committee members have and have completed search committee Inclusive Hiring/Implicit Bias training, and that the search chair has established rules of operation	Hiring Manager/Dept. Chair/Director
<b>JOB DESIGN:</b>	
<b>5. Writing the Advertisement/Job Description</b> – When we write the ad we want to make sure that it is clear and does not include language that would encourage qualified applicants to “read themselves out” of the position and not apply. Search committees should norm around the job advertisement language and discusses what qualifications are eligible--encourage the group to think beyond the typical.	Dept. Chair/Director; Hiring Manager; Search Committee; Human Resources
<b>RECRUITMENT:</b>	
<b>6. Posting the Advertisement</b> – In addition to the standard package of advertising locations, add locations that target discipline specific audiences as well as conducting outreach to further diversity goals	Dept Chair/Director; Hiring Manager; Search Committee; Human Resources
<b>7. Checking the Pool</b> – EO/AA will review the diversity of the applicant pool near the end of the posting period and provide feedback to the Hiring Manager about any additional recommendations for outreach or extended posting, if needed	Employee Relations (EO/AA); Hiring Manager
<b>SELECTION:</b>	
<b>8. Creating Your Evaluation Rubric</b> – To ensure equal opportunity for all job-seekers, create a spreadsheet tracking credentials regarding the minimum and preferred qualifications of the position to assist the search committee members stay focused on evaluating job related credentials regarding the minimum and preferred qualifications of the position. A sample template can be found at: <a href="https://www.bsu.edu/about/inclusive-excellence/faculty/inclusive-hiring">https://www.bsu.edu/about/inclusive-excellence/faculty/inclusive-hiring</a>	Hiring Manager
<b>9. Reviewing the Materials</b> – Search committee members should review all the required and optional documents submitted by job-seekers, and utilizing the Evaluation Rubric, assess how they compare to the qualifications stated in the job description. At this point in the process, do not consider any additional information/materials.	Hiring Manager; Search Committee
<b>10. Conducting the Screening</b> – After the search committee discusses the job-seekers and determines who warrants further consideration, plan and schedule 15-30 minutes phone interviews to further screen and narrow the pool to a manageable number for interview.	Hiring Manager; Search Committee

<p><b>11. Creating Your Interview Schedule</b> – Consider the various stakeholders that should be included in the interviews and plan interviews accordingly—be sure to allow adequate time for breaks and navigating between meetings, as well as considering technology needs, room accessibility, and dietary needs if a meal will be shared.</p>	<p>Hiring Manager; Search Committee</p>
<p><b>12. Creating Your Interview Questions</b> – Develop one core set of questions all the candidates will be asked in the same order. Create as equal an opportunity to be considered as possible. Avoid questions that illicit information about personal factors and stay focused on professional and business-related considerations. The committee should discuss what “good” or “not great” interview answers would look like, and in some cases may want to develop another rubric for assessing interview responses, especially if some responses may be weighted more than others.</p>	<p>Hiring Manager; Search Committee</p>
<p><b>INTERVIEW:</b></p>	
<p><b>13. Conducting the Interviews</b> – Test that technology is working with the candidate well ahead of the interview time. Stick to the core set of questions, understanding that follow-up questions may vary depending on the applicants’ responses. Remember they are interviewing us as much as we are interviewing them. Be collegial!</p>	<p>Hiring Manager; Search Committee</p>
<p><b>14. Notify Finalist(s) Before Next Step</b> – Search committees have the discretion to determine whether to narrow the pool to one finalist or to conduct reference checks on more than one finalist. Be sure to notify finalist(s) that they have reached this state of the process BEFORE reaching out to their references and current employer.</p>	<p>Hiring Manager; Search Committee</p>
<p><b>REFERENCE CHECKS:</b></p>	
<p><b>15. Conducting the Reference Checks</b> – Consider how/what references will be conducted; best practice is to have at least 2 persons listen in on each reference check contact. Consider the positive bias likely present in listed references, and control for personal biases of search committee members. The University’s background check policy requires we verify the finalist’s employment for the 7 years prior to date of application and for any experience that “qualified” them for the position.</p>	<p>Hiring Manager; Search Committee</p>
<p><b>RECOMMEND FOR HIRE:</b></p>	
<p><b>16. Determine Finalist</b> - Committee should discuss the reference and employment verification check information and determine based upon all the evidence who is the best qualified individual for the position.</p>	<p>Hiring Manager; Search Committee</p>
<p><b>17. Update TMS</b> - Before moving the candidate to “recommend for hire” status in TMS, notify finalist(s) interviewed but not selected that they will not be moving on (if TMS is updated first, an auto-generated email will be sent).</p>	<p>Hiring Manager; Search Committee</p>
<p><b>18. Background Checks Initiated</b> - Once a candidate is in "recommend for hire" status HR will initiate the criminal background check, sex offender registry check, etc. per the University's background check policy.</p>	<p>Human Resources</p>
<p><b>DEBRIEF AND COLLECT RECORDS:</b></p>	
<p><b>19. Preparing Materials to Maximize Benefit for Future Searches</b> – At the conclusion of the search, plan a de-briefing meeting to gather all materials related to this search and to discuss what lessons were learned from this search that we should memorialize and/or change before the next search is conducted.</p>	<p>Hiring Manager; Dept. Chair/Director</p>

# The Inclusion Continuum



ER/AA 8/2020

# Sample Department or Unit Inclusive Excellence Plan for Hiring



## Department or Units Inclusive Excellence Plan for Hiring (Drafted this month in this year)

**Inclusive Excellence Goal 1:** Achieve a more diverse and culturally representative undergraduate and graduate student body, faculty, and staff. Our goal is to have a campus that is accessible and equitable and that is representative of the rich diversity in our communities.

### Objective 3

1. To create a more diverse staff and faculty by:

Performance Indicators	Baseline	Target	Responsibility
1. Increase much-needed specialists in these content areas What is market availability?			
2. Increase advertising faculty positions in venues likely to attract the attention of diverse applicants.			
3. Identify comparable diverse publications in which to advertise any staff positions as they become available;			
4. Increase consultation with campus units with diversity expertise;			
5. Increase the number of potential diverse job candidates by: a. identifying possible diverse candidates in the McKnight Doctoral Fellowship Program Directory, if available to BSU; b. identifying other likely diverse candidates through networking;			

### Objective 3 (cont.)

2. Encourage diverse candidates who are offered positions to accept them by making the candidates feel welcome and supported during telephone, online, and campus interviews, within the legal constraints on what may be asked and brought up during interviewing by:

Performance Indicators	Baseline	Target	Responsibility
1. Develop list of community members for networking as desired by candidates;			
2. Develop list of relevant resources in the community;			
3. Develop list of local real estate market for candidate review.			



## Inclusive Excellence Statements

Below are prompts recommended (required for faculty searches) to ask applicants to share their perspective on inclusive excellence and how they would bring value to the campus in that regard.

### Faculty version:

"At Ball State University, Inclusiveness is one of our enduring values and informs all of our efforts. We encourage applicants to familiarize themselves with our Inclusive Excellence Plan to learn more about our commitment and to identify how you might contribute to these efforts.

[Inclusive Excellence Plan | Ball State University \(bsu.edu\)](#)

In your application, please describe how you would contribute to the development of a diverse and inclusive learning community at Ball State University through your teaching, research, and/or service."

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### Staff and Professional version:

"At Ball State University, Inclusiveness is one of our enduring values and informs all of our efforts. We encourage applicants to familiarize themselves with our Inclusive Excellence Plan to learn more about our commitment and to identify how you might contribute to these efforts.

[Inclusive Excellence Plan | Ball State University \(bsu.edu\)](#)

In your application, please describe how you would contribute to the development of a diverse and inclusive learning community at Ball State University in this position."

## Timing of Faculty Searches

Expected hiring timeline for tenure and tenure-track faculty searches:

- Ideally, vacant positions will be posted in October, and in no case, later than December 31<sup>st</sup>
- Screening and interviews will occur in January
- Search concluded by February

## Checklist for Search Committee Chairs for Inclusive Searches



Check box/Completion date

Position # \_\_\_\_\_

- 🍏 \_\_\_\_\_ We have met with the Area AVP/Dean to clarify the scope of this position.
- 🍏 \_\_\_\_\_ We have reviewed our diversity plan.
- 🍏 \_\_\_\_\_ We have worked closely as a unit to define the position broadly.
- 🍏 \_\_\_\_\_ We have formed our committee early to ensure we have adequate time to do a strong search.
- 🍏 \_\_\_\_\_ Our committee includes people who value diversity and includes diverse perspectives and experiences.
- 🍏 \_\_\_\_\_ All committee members have completed the “Inclusive Hiring/Implicit Bias” search training.
- 🍏 \_\_\_\_\_ We have discussed training points including cognitive errors and implicit bias as they relate to this specific search.
- 🍏 \_\_\_\_\_ We have written our advertisement to attract excellent candidates from a wide variety of backgrounds.
- 🍏 \_\_\_\_\_ The advertisement signals our interest in increasing diversity.
- 🍏 \_\_\_\_\_ We have discussed the option of requesting a Diversity Statement from applicants.
- 🍏 \_\_\_\_\_ Our search plan is designed to broaden and diversify our applicant pool through emails, calls, listservs, and ad placement that encourage many people to apply.
- 🍏 \_\_\_\_\_ We have discussed how we will work our networks with equal opportunity in mind and will enhance the pool by actively recruiting to encourage applications from excellent and diverse candidates.
- 🍏 \_\_\_\_\_ We have discussed the evaluation criteria we will be using when we screen applicants to create the short list.
- 🍏 \_\_\_\_\_ We have prepared our interview questions, and have confirmed that they do not include language that would solicit protected class information.
- 🍏 \_\_\_\_\_ Our questions include at least one that assesses the applicants’ valuing of diversity & inclusion.
- 🍏 \_\_\_\_\_ We are prepared to share information about dual careers resources and plan to work with applicants to address dual career challenges.
- 🍏 \_\_\_\_\_ We have scheduled a reminder to check with Affirmative Action Specialist in Employee Relations about the diversity of our pool before moving to the first phase of the application review process.
- 🍏 \_\_\_\_\_ We are committed to extending the submission deadline if feedback from the Affirmative Action Specialist in Employee Relations indicates our pool does not reflect market availability.
- 🍏 \_\_\_\_\_ We have scheduled a reminder to summarize the search in a debriefing report to the area AVP/Dean. The report will include recommendations for future searches.

🍏 **We confirm that these steps for an inclusive hire have been taken and we are ready to proceed.**

Once you have successfully completed this checklist, please submit the document to your area AVP/Dean.



# Glossary of Inclusive Excellence and Affirmative Action Terminology

*This is a companion of terms used in the fields of Inclusive Excellence and Affirmative Action [per the Office of Federal Contractor Compliance Programs (OFCCP)]. Please contact either office with any questions you might have.*

*Please note, the terms “diversity” and “diverse” are used throughout the **Inclusive Excellence** field. Our definition of diversity recognizes the full gamut/broad spectrum of experiences and unique differences of all members of our community. We celebrate diversity in all of its dimensions as we endeavor to create and sustain an inclusive campus environment.*

## **ACTION-ORIENTED PROGRAMS**

Specific programs designed to correct any identified problem areas found during the contractor’s in-depth analyses of its personnel practices, policies, and procedures. They should describe what action is to be taken, who is responsible for performing the action, and when the action will be accomplished. Proper execution of the program will likely remove the identified impediment to equal employment opportunity or otherwise increase the success of the affirmative action program in the identified problem area.

## **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 U.S. Department of Defense. See 41 CFR 60-300.2(b).

## **ADVERSE IMPACT**

Adverse impact occurs when a contractor’s use of a facially neutral policy or selection procedure (e.g., a test, an interview, a degree requirement, a leave or hours policy) disqualifies members of a protected class at a substantially higher rate than others.

Though the terms “adverse impact” and “disparate impact” are sometimes used interchangeably, the Uniform Guidelines on Employee Selection Procedures (UGESP) at 41 CFR 60-3.16B use only the term “adverse impact” and define it as a substantially different rate of selection in hiring, promotion, transferring, training or other employment decision which works to the disadvantage of the members of a race, sex, or ethnic group identified in 41 CFR 60-3.4. See also “Disparate Impact”.

## **AFFINITY GROUP**

An association of faculty and or staff that come together to give a voice to underserved populations. These participants are usually a member of the community or an ally of the community.

## **AFFIRMATIVE ACTION**

Actions, policies, and procedures to which a contractor commits itself that are designed to achieve equal employment opportunity. Affirmative action obligations entail thorough, systematic efforts to prevent discrimination from occurring and to detect it and eliminate it as promptly as possible. Affirmative action obligations also require contractors to ensure equal opportunity in their recruitment and outreach efforts.

## **AFFIRMATIVE ACTION PROGRAM (AAP)**

A management tool designed to ensure equal employment opportunity. The requirements for affirmative action programs that satisfy Executive Order 11246, Section 503, and VEVRAA are outlined in 41 CFR Part 60-2; 41 CFR Part 60-741, Subpart C; and 41 CFR Part 60-300, Subpart C, respectively. These include requiring a contractor to annually detail the affirmative steps it has taken and will take in the future to ensure equal employment opportunity.

## **AMERICAN INDIAN/ALASKAN NATIVE (NOT HISPANIC OR LATINO)**

As defined by the Office of Management and Budget’s (OMB’s) Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, a person with origins in any of the original peoples of North

and South America (including Central America), and who maintains cultural identification through tribal affiliation or has community recognition as an American Indian or Alaskan Native.

### **APPLICANT**

A person who has indicated an interest in being considered for hiring, promotion, or other employment opportunity. This interest might be expressed in different ways, such as by completing an application or through an oral statement, depending upon the contractor's practice. An employee of a company may also be an "applicant" when he or she has indicated an interest in being considered for another job, promotion, or employment opportunity within the company. See Question and Answer 15 to the Adoption of Questions and Answers to Clarify and Provide a Common Interpretation of the UGESP, available online at [https://www.eeoc.gov/policy/docs/qanda\\_clarify\\_procedures.html](https://www.eeoc.gov/policy/docs/qanda_clarify_procedures.html). See also "Internet Applicant."

### **APPLICANT FLOW DATA (LOG)**

A chronological compilation of applicants (including internet applicants) for employment or promotion showing each individual, categorized by race, sex, and ethnic group, who applied for each job title (or group of jobs requiring similar qualifications) during a specific period. See also "Internet Applicant."

### **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 U.S. military operation for which an Armed Forces Service Medal was awarded pursuant to Executive Order 12985 (61 FR 1209). 41 CFR 60-300.2(c).

### **ASIAN (NOT HISPANIC OR LATINO)**

As defined by OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997), a person with origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent. This area includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. Under the regulations at 41 CFR 60-4.3(a)1.d(iii), the category is called "Asian and Pacific Islander."

### **AVAILABILITY**

As described in 41 CFR 60-2.14, an estimate of the number of qualified minorities or women available for employment in a given job group, expressed as a percentage of all qualified people available for employment in the given job group. The purpose of the availability determination is to establish a benchmark against which the demographic composition of the contractor's incumbent workforce can be compared in order to determine whether barriers to equal employment opportunity may exist within particular job groups.

### **BENEFACTENCE PLEDGE**

The Ball State Beneficence Pledge is an adopted code of conduct for all Ball State University members that lay out the basic ideals the Beneficence represents. Find the pledge here:

<https://www.bsu.edu/about/administrativeoffices/student-conduct/policiesandprocedures/beneficence>

### **BIAS INCIDENT REPORTING**

The procedure implemented whenever a bias incident is perceived to have occurred. For more information visit: <https://www.bsu.edu/campuslife/multicultural-center/bias-incident-reporting>

### **BIASED VARIABLES**

Biased variables that should be excluded from the compensation model. Variables that might be subject to bias in the higher education sector are tenure promotions, appointments (endowed chairs and other titles), initial rank, initial salary, retention bonuses, and performance ratings.

### **BLACK OR AFRICAN-AMERICAN (NOT HISPANIC OR LATINO)**

As defined by OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997), an individual, not of Hispanic origin, with origins in any of the black racial groups of Africa.

## **BUSINESS NECESSITY**

A defense used by an employer in disparate impact cases, i.e., when it uses an employment policy or practice, such as a selection criterion, that is facially neutral and consistently applied, but that excludes members of one group (e.g., women or African-Americans) at a substantially higher rate than members of other groups. The employer must prove that a requirement that causes an adverse impact is job-related and consistent with business necessity. Business necessity may also have to be proven when an employer uses a qualification standard that screens out an individual because of his or her disability. OFCCP uses Title VII, UGESP, and ADA standards, as appropriate, when evaluating a contractor's assertion of a business necessity defense.

## **COHORT ANALYSIS**

A non-statistical comparison of the treatment of similarly situated individuals, or small groups of applicants or employees.

## **COLLECTIVE BARGAINING AGREEMENT**

Also referred to as "bargaining agreement" and sometimes known as a "labor-management agreement" or "union contract." These terms refer to an agreement between an employer and a union establishing wages, hours, and other terms and conditions of employment for employees in the bargaining unit represented by the union.

## **COMPENSATION**

Any payments made to, or on behalf of, an employee or offered to an applicant as remuneration for employment, including, but not limited to, salary, wages, overtime pay, shift differentials, bonuses, commissions, vacation and holiday pay, allowances, insurance and other benefits, stock options and awards, profit sharing and retirement. See 41 CFR 60-1.3.

## **COMPENSATION INFORMATION**

The amount and type of compensation provided to employees or offered to applicants, and information affecting the amount and type of compensation provided or offered, including, but not limited to, the desire of the contractor to attract and retain a particular employee for the value the employee is perceived to add to the contractor's profit or productivity; the availability of employees with like skills in the marketplace; market research about the worth of similar jobs in the relevant marketplace; job analysis, descriptions, and evaluations; salary and pay structures; salary surveys; labor union agreements; and contractor decisions, statements, and policies related to setting or altering employee compensation.

## **COMPLAINT**

An allegation in writing and submitted to OFCCP by, or on behalf of, one or more employees (including former employees) or applicants that alleges the individual or individuals have been victims of discrimination or retaliation that is prohibited by the laws enforced by OFCCP (i.e., Executive Order 11246, Section 503, or VEVRAA) or that the contractor is in violation of one or more of these laws, or their implementing regulations.

## **COMPLIANCE CHECK**

A compliance evaluation procedure that involves a determination of whether the contractor has maintained appropriate records consistent with the regulations at 41 CFR 60-1.12, 60-300.80 and 60-741.80.

## **COMPLIANCE EVALUATION**

The investigation and review process used by OFCCP to determine whether a federal contractor is complying with the nondiscrimination and affirmative action employment obligations outlined in 41 CFR Chapter 60. A compliance evaluation consists of any one, or any combination of, the following investigative procedures: compliance review, offsite review of records, compliance check or focused review. See 41 CFR 60-1.20(a), 60-300.60(a) and 60-741.60(a).

## **COMPLIANCE OFFICER**

An OFCCP employee whose primary duties typically include conducting compliance evaluations of federal contractors, investigating discrimination complaints filed against federal contractors, providing compliance

assistance to federal contractors, and educating community groups and the public about the laws OFCCP enforces.

### **CONCILIATION AGREEMENT**

A binding written agreement between a contractor and OFCCP that details specific contractor commitments, actions or both to resolve the violations set forth in the agreement. See 41 CFR 60- 1.33, 60-300.62, 60-741.62.

### **CONTRACTOR**

Unless otherwise indicated, a “prime contractor” or “subcontractor.” “Prime contractor” means any person holding a contract, or who has held a contract, subject to Executive Order 11246, Section 503, or VEVRAA. “Subcontractor” means any person holding a subcontract, or who has held a subcontract, subject to Executive Order 11246, Section 503, or VEVRAA. The term “first-tier subcontractor” refers to a subcontractor holding a subcontract with a prime contractor. 41 CFR 60-1.3.

### **DISABILITY (I REMOVED IE’S DEFINITION OF DISABILITIES)**

With respect to an individual: 1) a physical or mental impairment that substantially limits one or more of an individual’s major life activities, 2) a record of such an impairment, or 3) being regarded as having such an impairment. See 41 CFR 60-741.2(g) and related definitions.

### **DISABILITY UTILIZATION ANALYSIS**

OFCCP’s regulations prescribe a utilization goal of 7% for the employment of qualified individuals with disabilities for each job group in the contractor’s workforce; the 7% utilization goal may be applied to the entire workforce for contractors with 100 or fewer employees. When the percentage of individuals with disabilities is less than the 7% goal, contractors must take steps to determine whether and where impediments to equal employment opportunity exist.

### **DISABLED VETERAN**

Disabled Veteran means:

- 1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
- 2) A person who was discharged or released from active duty because of a service-connected disability. See 41 CFR 60-300.2(i).

### **DISCRIMINATION**

See the definitions of “Disparate Impact,” “Disparate Treatment,” “Harassment” and “Retaliation.” Discrimination may also include failure to provide “Religious Accommodation” or “Reasonable Accommodation.”

### **DISPARATE IMPACT**

A theory of employment discrimination that focuses on the effect of a practice or policy. Disparate impact discrimination occurs when a contractor’s use of a facially neutral policy or practice (e.g., a test, an interview, a degree requirement, a leave or hours policy) disqualifies members of a protected class at a substantially higher rate than others and is not justified by business necessity and job-relatedness (or it is justified by business necessity but there are less-discriminatory alternatives available that would meet the contractor’s need). It is not necessary to prove intent to discriminate under this theory of employment discrimination. The disparate impact theory may be used to analyze both objective and subjective selection standards. Compare “Disparate Treatment.” See also “Adverse Impact.”

### **DISPARATE TREATMENT**

A theory of employment discrimination. Disparate treatment discrimination occurs when a contractor treats an individual or group less favorably on the basis of a prohibited factor (race, color, religion, sex, sexual orientation, gender identity, national origin, disability, status as a protected veteran, or because the individual or group of individuals has disclosed, discussed or inquired about compensation). It is necessary to prove intent to discriminate under this theory of employment discrimination, which is sometimes referred to as “intentional discrimination.” Disparate treatment may be proven using direct evidence, circumstantial evidence or a combination of both.

## **DIVERSITY**

The condition of having or being composed of differing elements: variety; different types of people.

## **EDUCATIONAL INSTITUTION**

School, college, university, or other educational institution or institution of higher learning that is a federal contractor or subcontractor under the laws and regulations enforced by OFCCP.

## **EEO POLICY**

A written statement made by the contractor to commit to the principles of equal opportunity employment.

## **EMPLOYEE**

OFCCP generally uses the “common-law agency test” for determining who is an employee under the laws OFCCP enforces. The common-law agency test examines the individual worker’s relationship to the contractor by assessing the following factors derived from a 1992 U.S. Supreme Court decision called *Nationwide Mutual Insurance Co. v. Darden*: the contractor’s right to control when, where and how the individual performs the job; the skill required for the job; the source of the instrumentalities and tools; the location of work; the duration of the relationship between the parties; whether the contractor has the right to assign additional projects to the individual; the extent of the individual’s discretion over when and how long to work; the method of payment; the contractor’s role in hiring and paying assistants; whether the individual’s work is part of the regular business of the contractor; whether the individual is in business; and the provision of employee benefits to the individual. While no one factor will necessarily be decisive, the factors that indicate the extent to which the contractor controls the manner and means of the individual’s performance of his or her work will typically be most important in the *Darden* analysis. The EEOC also relies on this test for Title VII and ADA purposes. For additional information, see the FAQs online at

<https://www.dol.gov/ofccp/regs/compliance/faqs/EmpRelationship.html>.

## **EMPLOYMENT SERVICE DELIVERY SYSTEM (ESDS)**

The Wagner-Peyser Act of 1933 established a nationwide system of public employment offices known as the “Employment Service.” As amended, the Act makes the Employment Service part of the One-Stop delivery system. The One-Stop delivery system, also known as American Job Centers, provides universal access to an integrated array of labor exchange services so that workers, job seekers, and businesses can find the services they need in one stop and frequently under one roof in easy-to-find locations. The U.S. Department of Labor’s Employment and Training Administration oversees Wagner-Peyser.

## **ENFORCEMENT**

This term typically refers to an administrative or judicial action to compel compliance with Executive Order 11246, Section 503, or VEVRAA and their implementing regulations, or to compel performance of a conciliation agreement or consent decree.

## **EQUAL OPPORTUNITY CLAUSE (ALSO REFERRED TO AS THE EO CLAUSE)**

The contract clauses published at 41 CFR 60-1.4(a) and (b), 41 CFR 60-300.5(a), and 41 CFR 60-741.5(a) that are required to be included in every covered federal contract and subcontract. The EO clauses outline contractors’ responsibilities under Executive Order 11246, Section 503, and VEVRAA. The applicable EO clauses are considered to be a part of every covered contract and subcontract whether or not they are physically incorporated or referenced in the contract, and whether or not there is a written contract between the federal agency and the contractor. See 41 CFR 60-1.4(e), 41 CFR 60-300.5(e), 41 CFR 741.5(e).

## **ESSENTIAL FUNCTIONS (SECTION 503 OR VEVRAA)**

For purposes of Section 503 and VEVRAA:

1. In general. The term essential functions means fundamental job duties of the employment position the individual with a disability holds or desires. The term essential functions does not include the marginal functions of the position.
2. A job function may be considered essential for any of several reasons, including, but not limited to, the following:
  - (i) The function may be essential because the reason the position exists is to perform that function;
  - (ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
  - (iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise, or ability to perform the particular function.
3. Evidence of whether a particular function is essential includes, but is not limited to:
  - (i) The contractor's judgment as to which functions are essential;
  - (ii) Written job descriptions prepared before advertising or interviewing applicants for the job;
  - (iii) The amount of time spent on the job performing the function;
  - (iv) The consequences of not requiring the incumbent to perform the function;
  - (v) The terms of a collective bargaining agreement;
  - (vi) The work experience of past incumbents in the job; and/or
  - (vii) The current work experience of incumbents in similar jobs.

See 41 CFR 60-741.2(i) (Section 503) and 41 CFR 60-300.2(l)(VEVRAA).

## **ESTABLISHMENT**

A facility or unit that produces goods or services, such as a factory, office, store or mine. In most instances, the unit is a physically separate facility at a single location. In appropriate circumstances, OFCCP may consider as an establishment several facilities located at the same site or two or more sites when the facilities are in the same labor market or recruiting area. The determination as to whether it is appropriate to group facilities as a single establishment will be made by OFCCP on a case-by-case basis.

## **EXECUTIVE ORDER 11246**

One of the three legal authorities enforced and administered by OFCCP. Executive Order 11246 applies to federal contractors with contracts or subcontracts of more than \$10,000. It prohibits these contractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, or national origin; or because an applicant or employee has disclosed, discussed, or inquired about compensation; and requires that they take affirmative action to ensure equal employment opportunity. Federal supply-and-service contractors and subcontractors with 50 or more employees and a contract of \$50,000 or more have additional affirmative action obligations, including the development of a written affirmative action program.

## **FIELD-SPECIFIC BARRIERS**

These are things that will stop students of diverse cultures from succeeding either academically or professionally when it comes to their major or area of intended work.

## **GENDER IDENTITY**

One's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others.

## **GOALS FOR MINORITIES AND WOMEN (PLACEMENT GOALS)**

Placement goals that contractors must establish for those job groups where minorities or women, or both, are underutilized. The placement goal established must be at least equal to the availability percentage of the underutilized minorities and women for the specific job group. 41 CFR 60- 2.16(c); see also 41 CFR 60-2.14, 60-2.15.

### **GOALS FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (UTILIZATION GOAL)**

The regulations implementing Section 503 establish a utilization goal of 7% for the employment of qualified individuals with disabilities for each job group in the contractor's workforce. Supply and service contractors use the same job groups that they use for utilization analyses under Executive Order 11246. Contractors with 100 or fewer employees have the option of using their entire workforce instead of job groups. See 41 CFR 60-741.45.

### **HARASSMENT**

Harassment is unwelcome conduct that is based on a protected characteristic (race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran, or because an individual disclosed, discussed or inquired about compensation). Harassment becomes illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted). Harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment may include unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature. OFCCP's regulations prohibit harassment, intimidation, threats or discrimination because the person filed a complaint, participated in an investigation or compliance evaluation, opposed discrimination or exercised a right protected by OFCCP's regulations.

### **HIRING BENCHMARK (VEVRAA)**

As part of the VEVRAA AAP requirements, the contractor is responsible for setting an annual hiring benchmark that: 1) equals the national percentage of veterans in the civilian labor force or 2) is customized to take into account at least the five factors listed at 41 CFR 60-300.45(b)(2).

### **HISPANIC OR LATINO**

As defined by OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997), a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

### **IMPACT RATIO ANALYSIS (IRA)**

A method for identifying personnel activity that should be investigated further. The IRA is a comparison of the selection rates of different racial, ethnic, and sex groups within an identified applicant or candidate pool. If the selection rate for one group is less than 80% of that of the group with the highest rate, then the IRA is considered adverse and further investigation or analysis is needed.

### **INCLUSION**

The action or state of including or of being included within a group or structure.

### **INCLUSIVE EXCELLENCE**

This means that an institution has adopted a cohesive, collaborative, and comprehensive approach to diversity and inclusion. This allows everyone to have the same voice as any other person during the discussion. It employs a broad definition of diversity that includes dis/ability, gender identity, gender expression, sexual orientation, race/ethnicity, religion, nationality, age and other important social dimensions that are part of a community.

### **IN-HOUSE TRAININGS**

These can either be trainings specific to your area or unit or trainings offered by Ball State University.

### **INSTRUCTIONAL STAFF**

Faculty members and others in a teaching capacity. May include Professors, Associate Professors, Assistant Professors, Instructors, Visiting Professors, Lecturers, Adjunct Faculty and others.

### **INTEGRATED POSTSECONDARY EDUCATION DATA SYSTEM (IPEDS)**

This is a system of interrelated surveys conducted annually by the National Center for Education Statistics at the U.S. Department of Education. IPEDS is where educational institutions report workforce data.

### **INTERNATIONAL**

Students, faculty, or staff that are not native born to the United States or its protectorates.

### **INTERNET APPLICANT**

Any individual as to whom the following four criteria are satisfied:

- (i) The individual submits an expression of interest in employment through the internet or related electronic data technologies;
- (ii) The contractor considers the individual for employment in a particular position;
- (iii) The individual's expression of interest indicates the individual possesses the basic qualifications for the position; and,
- (iv) The individual, at no point in the contractor's selection process before receiving an offer of employment from the contractor, removes him or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

### **INVITATION TO SELF-IDENTIFY**

An invitation by the contractor, extended to employees and applicants for employment, to voluntarily identify their sex, race, ethnicity, disability, and/or protected veteran status. All information obtained in response to invitations to self-identify as an individual with a disability or protected veteran must be kept in a confidential data analysis file per 41 CFR 60-300.42 and 60-741.42.

### **JOB GROUP**

A group of jobs having similar content, wage rates, and opportunities. If a contractor has a total workforce of fewer than 150 employees, it may use the EEO-1 categories as its job groups. See 41 CFR 60-2.12.

### **LATINX**

The gender-inclusive language to refer to people from Latin American descent, instead of specifically stating Latino or Latina, this includes both genders and any non-binary individuals.

### **LGBTQ**

Stands for Lesbian, Gay, Bisexual, Transgender, and either Queer or Questioning. This is an acronym for sexual and gender minorities that is an umbrella term. Another version of this phrase is GSRM or Gender, Sexuality, and Romantic Minorities.

### **MICROAGGRESSIONS**

A term used for brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudicial slights and insults toward any group, particularly culturally marginalized groups.

### **MULTICULTURAL COMPETENCIES**

Obtaining the awareness, knowledge, and skills to work with people of diverse backgrounds in an effective manner.

### **MULTICULTURALLY SENSITIVE**

Understanding the issues that can arise from being a member of a minoritized community and take that into account when teaching and or working.

### **NATIONAL ORIGIN**



National origin includes:

- Actual or perceived birthplace, ancestry, culture, accent or linguistic characteristics common to a specific ethnic group; Marriage or association with persons of a national origin group;
- Membership or association with specific ethnic promotion groups;
- Attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or
- A surname associated with a national origin group.

### **NATIVE HAWAIIAN / OTHER PACIFIC ISLANDER**

As defined by OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997), a person with origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. Under the regulations at 41 CFR 60-4.3(a)1.d(iii), Pacific Islanders are combined with Asians. See "Asian (not Hispanic or Latino)."

### **NON-INSTRUCTIONAL STAFF POSITIONS**

All employees at the educational institution who are not in a teaching capacity. Includes executive and administrative positions, professional, technical, clerical, and others.

### **ORGANIZATIONAL DISPLAY**

An organizational display must identify each organizational unit in the establishment and show the relationship of each organizational unit to the other organizational units in the establishment. For each organizational unit, the organizational display must indicate the following:

- The name of the unit;
- The job title, gender, race, and ethnicity of the unit supervisor;
- The total number of male and female employees in the unit; and
- The total number of male and female employees in each of the following groups: Black, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native.<sup>41</sup>

41 OFCCP will also accept AAPs and supporting records that reflect the following revised EEO-1 race and ethnicity categories: Hispanic or Latino, White (Not Hispanic or Latino), Black or African American (Not Hispanic or Latino), Native Hawaiian or Pacific Islander (Not Hispanic or Latino), Asian (Not Hispanic or Latino), Native American or Alaska Native (Not Hispanic or Latino), and Two or More Races (Not Hispanic or Latino).

### **ORGANIZATIONAL PROFILE**

An organizational profile depicts a contractor's staffing pattern. OFCCP allows contractors to disclose this data in the form of an organizational display or a workforce analysis. The format used to communicate the data is solely at the discretion of the contractor.

### **ORGANIZATIONAL UNIT**

A department, division, branch, section, or other organizational entity of a contractor that operates as a single unit under a common head.

### **PAY TRANSPARENCY**

Employees' rights to discuss, disclose, and inquire about compensation and compensation information. OFCCP also requires contractors to post the Pay Transparency Nondiscrimination Provision and include it in employee handbooks and manuals. The posting requirement may be accomplished by posting the provision electronically or by posting copies of the provision in conspicuous places available for employees and applicants.

### **PROMOTION**

Any personnel action resulting in, for example, the movement to a position affording higher pay, greater rank, change in job title, or increase in job grade; or increase in pay, requiring greater skill or responsibility; or the opportunity to attain such. A promotion may be either competitive or non-competitive.

### **PROTECTED GROUP OR CATEGORY**

The bases on which applicants and employees are protected from discrimination in employment under the laws enforced by OFCCP (also referred to as “prohibited factors” or “prohibited bases”):

- Race,
- Color,
- Religion,
- Sex,
- Sexual orientation,
- Gender identity,
- National origin,
- Disability, and
- Status as a protected veteran.

### **PROTECTED VETERAN**

Any veteran who is protected by VEVRAA. To be a “protected veteran,” a veteran must meet the criteria of one or more of the following four categories: disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces service medal veteran. See 41 CFR 60-300.2(q) and related definitions.

### **QUALIFIED INDIVIDUAL (WITH A DISABILITY)**

An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires, and who can perform the essential functions of such position with or without reasonable accommodation. See 41 CFR 60-741.2(r). For exceptions to this definition, see 41 CFR 60-741.3.

### **RACE OR COLOR**

Race or color includes personal characteristics associated with a particular race, such as hair texture, certain facial features, and skin color and complexion. Race or color may also include marriage to or association with a person of a certain race or color, or association with an organization or group that is generally associated with people of a certain race or color.

### **RANK**

Rank is typically an important element of the instructional staff scale, determining salaries and proximity to a promotion, and it is often viewed as a proxy for performance. In ascending order, academic ranks usually consist of assistant professors, associate professors, and professors (may include various levels such as professor emeritus or distinguished professors).

### **REASONABLE ACCOMMODATION (DISABILITY/DISABLED VETERAN)**

A contractor must make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability. A contractor is not required to provide reasonable accommodation to an individual who satisfies only the “regarded as” prong of the definition of disability and does not have a disability or a record of a disability.

The term reasonable accommodation means modifications or adjustments:

- To a job application process that enables a qualified applicant with a disability to be considered for the position such applicant desires;
- To the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- That enable the contractor’s employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by the contractor’s other similarly situated employees without disabilities.

See 41 CFR 60-741.2(s)(1). For the comparable definition under VEVRAA, see 41 CFR 60-300.2(t) (1). For examples of reasonable accommodations, see 41 CFR 60-741.2(s)(2) and 41 CFR 60-300.2(t)(2).

### **RECORDS RETENTION**

The amount of time covered contractors are required to retain personnel and employment records. Contractors with 150 or more employees and a government contract of at least \$150,000 must maintain such records for two years from the date the record was created or the personnel action was taken, whichever is later. Contractors with fewer than 150 employees and contractors that do not have a government contract of \$150,000 or more need maintain such records for only one year. Contractors subject to Section 503 and VEVRAA have additional obligations to retain certain records for three years.

### **RECRUITMENT SOURCE**

Any person, organization, or agency used to refer or provide workers for employment.

### **REGRESSION ANALYSIS**

A statistical analysis used to evaluate the interrelated effects of independent variables (such as education, prior experience) on a dependent variable (such as hire, compensation). Regression analyses frequently are a significant element of OFCCP's proof in systemic discrimination cases.

### **RELIGIOUS ACCOMMODATION**

A nondiscrimination obligation of a contractor to accommodate the sincerely held religious observances and practices of its current and prospective employees. Typical religious accommodations include – but are not limited to – permitting the wearing of religious head coverings and other religious dress at the workplace, swapping employee shifts or permitting work breaks or time off to allow for religious observance, and modifying an employee's work schedule to permit the observance of the employee's Sabbath. A contractor does not have to accommodate an employee's religious observances or practices if doing so would cause it undue hardship. See the definition of "Undue Hardship (Religious Accommodation)."

### **RETALIATION**

Any adverse action by a contractor against an applicant or employee because he or she:

- Filed a complaint of discrimination;
- Opposed any act made unlawful under any of the laws enforced by OFCCP;
- Assisted or participated in an investigation, compliance evaluation, hearing or any other activity related to the administration or enforcement of any of the laws enforced by OFCCP; or
- Exercised any other rights under OFCCP's laws or any other federal, state or local law requiring equal opportunity.

Adverse actions include employment actions such as termination, demotion or failure to hire. Other actions that are likely to deter a reasonable person from pursuing their rights, including threats and unjustified negative evaluations or references, may also be adverse actions.

### **RETENTION**

The process to keep those students, faculty, and staff that you have.

### **REWARDS AND RECOGNITION**

Recognize and celebrate the contributions of those who work toward the goals of Inclusive Excellence. This can just be through small comments or through an actual recognition event.

### **SEARCH COMMITTEE**

A group of faculty from an educational institution whose collective job is to:

- Recruit a broad group of candidates for instructional positions;
- Evaluate the candidates fairly; and
- Select the best candidate for the position.

### **SECTION 503**

Section 503 of the Rehabilitation Act of 1973, as amended (**29 U.S.C. 793**). One of the three legal authorities enforced and administered by OFCCP. Section 503 applies to federal contractors with a contract or subcontract of more than \$15,000. However, it does not apply to federally assisted construction contracts. Section 503 prohibits covered federal contractors from discriminating in employment on the basis of disability and requires that they take affirmative action to ensure equal employment opportunity. Covered federal contractors and subcontractors with 50 or more employees and a contract of \$50,000 or more have additional affirmative action obligations, including the development of a written affirmative action program.

### **SENIORITY**

Length of employment as determined by the employer's policies or the applicable collective bargaining agreement. Seniority may be defined in various terms (e.g., company seniority, facility seniority, departmental seniority). Employees may have different types of seniority for different purposes (e.g., job bidding rights governed by department seniority and leave accrual rights governed by company seniority).

### **SEXUAL ORIENTATION**

An individual's physical, romantic and/or emotional attraction to people of the same and/or opposite gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay and bisexual.

### **SIMILARLY SITUATED**

Employees are similarly situated when they are comparable on the factors relevant to the investigation or analysis, even if they are not comparable on others. Relevant factors in determining similarity may include tasks performed, skills, effort, level of responsibility, working conditions, job difficulty, minimum qualifications, or other objective factors. The determination of which employees are similarly situated is case-specific. Thus, employees who are similarly situated for one purpose may not be similarly situated for another.

### **SIMILARLY-SITUATED EMPLOYEE GROUP**

For purposes of compensation analyses, a group of employees who would be expected to be paid the same based on: (a) job similarity (e.g., tasks performed, skills required, effort, responsibility, working conditions and complexity); and (b) other objective factors such as minimum qualifications or certifications.

### **STUDENT LEARNING OUTCOMES**

Clearly state the expected knowledge, skills, attitudes, competencies, and habits of mind that students are expected to acquire from an educational experience. For more information on this visit:

<https://www.bsu.edu/about/administrativeoffices/vice-provost/administrative-services/student-learning-outcomes>

### **STUDENT WORKER**

A student, undergraduate or graduate, engaged in research, teaching, work-study, or another related or comparable position at an educational institution. The individual's primary relationship with the institution is educational, and the student's working relationship with the educational institution has been obtained as a result of or in conjunction with his or her studies.

### **STUDENTS OF COLOR**

This includes anyone who is not Caucasian. Other phrases include POC, People of Color and BIPOC or Black, Indigenous, and People of Color.

### **SUBCONTRACT**

Any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

- 1) For the purchase, sale or use of personal property or nonpersonal services which, in whole or in part, is necessary to the performance of any one or more government contracts; or
- 2) Under which any portion of the contractor's obligation under one or more government contracts is performed, undertaken or assumed.

See 41 CFR 60-1.3, 41 CFR 60-300.2(x), and 41 CFR 60-741.2(x).

### **SUPPORT DATA**

Statistical data, documentation and other materials regarding a contractor's employment policies, practices, and actions used in the development, support, and justification of its affirmative action program(s), or used to assess the affirmative action program's effectiveness.

### **SUPPLY AND SERVICE**

Any covered contractor in business with the federal government that provides goods and/or services; excludes construction.

### **UNDERUTILIZATION (Executive Order 11246)**

When the percentage of minorities or women employed in a particular job group is less than would be reasonably expected given their availability percentage in the relevant labor pool. See 41 CFR 60-2.10(a)(1), 60-2.14, 60-2.15.

### **UNIT**

The division, department, or school that you are a part of.

### **UTILIZATION GOAL**

See "Goals for qualified individuals with disabilities."

### **VEVRAA**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (**38 U.S.C. 4212**). One of the three legal authorities enforced and administered by OFCCP. VEVRAA applies to federal contractors with a contract or subcontract of \$150,000 or more. However, it does not apply to federally assisted construction contractors. VEVRAA prohibits covered federal contractors from discriminating in employment based on status as a protected veteran and requires that they take affirmative action to ensure equal employment opportunity. Federal contractors and subcontractors with 50 or more employees and a contract of \$150,000 or more have additional affirmative action obligations, including the development of a written affirmative action program.

### **WHITE (NOT HISPANIC OR LATINO)**

As defined by OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997), an individual, not of Hispanic origin, with origins in any of the original peoples of Europe, North Africa or the Middle East.

### **WORKFORCE ANALYSIS**

A listing of all job titles, ranked from the lowest-paid to the highest-paid within each organizational unit, including unit supervision. The workforce analysis must include information by job title, wage rate, department and/or organizational unit, and lines of progression. For each job title, the workforce analysis must list the following:

- The total number of employees;
- The total number of male and female employees;
- The total number of male and female employees in each of the following groups: Black, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native;<sup>42</sup> and
- The wage rate or salary range.

<sup>42</sup> OFCCP will also accept AAPs and supporting records that reflect the following revised EEO-1 race and ethnicity categories: Hispanic or Latino, White (Not Hispanic or Latino), Black or African American (Not Hispanic or Latino), Native Hawaiian or Pacific Islander (Not Hispanic or Latino), Asian (Not Hispanic or Latino), Native American or Alaska Native (Not Hispanic or Latino), and Two or More Races (Not Hispanic or Latino)