

EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PLAN (AAP)

TEXAS A&M INTERNATIONAL UNIVERSITY

**A MEMBER OF
THE TEXAS A&M UNIVERSITY SYSTEM**

**01/01/2014 – 12/31/2014
(DATA FROM 01/01/2013 – 12/31/2013)**

PART I: AAP FOR MINORITIES AND WOMEN

**PART II: AAP FOR PROTECTED VETERANS
AND INDIVIDUALS WITH DISABILITIES**

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TEXAS A&M INTERNATIONAL UNIVERSITY AAP

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INTRODUCTION TO PARTS I AND II

BACKGROUND

Texas A&M International University is a federal government supply and service contractor subject to the affirmative action requirements of Executive Order 11246, the Rehabilitation Act of 1973 as amended, and the Vietnam Veterans' Readjustment Assistance Act of 1974 as amended.. Because Texas A&M International University has \$50,000 or more in annual contracts with the federal government and employs 50 or more employees, we are required to prepare annual written Affirmative Action Plans (AAP's) for minorities, women, protected veterans, and individuals with disabilities in our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the University from future contracts and subcontracts.

Affirmative Action is a term that encompasses any measure adopted by an employer to correct or to compensate for past or present discrimination or to prevent discrimination from occurring in the future. Affirmative Action goes beyond the simple termination of a discriminatory practice.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory Affirmative Action Plan is the evaluation of opportunities for protected group members, as well as an identification and analysis of problem areas inherent in their employment. Also, when a statistical analysis of the organization's workforce reveals a significant disparity between incumbency and availability of minorities, women, protected veterans, and/or individuals with disabilities, an adequate AAP details specific affirmative action steps to guarantee equal employment opportunity. These steps are keyed to the problems and needs of protected group members. For minorities and women, such steps include the development of hiring and promotion goals to rectify the disparity between incumbency and availability. For protected veterans, such steps include a hiring benchmark to assist in assessing the effectiveness of efforts to recruit and employ protected veterans. With regard to individuals with disabilities, steps include the establishment of a seven percent utilization goal to measure the success of outreach and recruitment efforts. It is toward this end that the following AAP of Texas A&M International University was developed.

APPLICABLE AFFIRMATIVE ACTION LAWS AND REGULATIONS

Texas A&M International University's AAP for minorities and women (Part I) has been prepared according to Executive Order No. 11246, as amended, and Title 41, Code of Federal Regulations, Part 60-1 (Equal Employment Opportunity Duties of Government Contractors), Part 60-2 (Affirmative Action Programs of Government Non-Construction Contractors; also known as "Revised Order No. 4"), and Part 60-20 (Sex Discrimination Guidelines for Government Contractors).

Texas A&M International University has developed separately an Affirmative Action Plan for protected veterans and individuals with disabilities (Part II), prepared in accordance with the

Rehabilitation Act of 1973, Section 503, as amended; and Title 41, Code of Federal Regulations, Part 60-741 (Affirmative Action Program for Individuals with Disabilities); the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, Section 4212, as amended; and Title 41 Code of Federal Regulations, Part 60-250 and/or Part 60-300 (Affirmative Action Program for Protected Veterans).

The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, effective October 31, 1998, increased the threshold for coverage under VEVRAA from a contract of \$10,000 or more to a contract of \$25,000 or more; extended the law's protections to "other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized;" and provides temporary (up to one year) protection to veterans who do not have a service connected disability, did not see action in a foreign war and did not serve during the Vietnam era."

The Jobs for Veterans Act (JFVA), Public Law 107-288, effective December 1, 2003, increased the threshold for coverage under 38 U.S.C. §4212 from \$25,000 to \$100,000; grants VEVRAA protection to those veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 Fed. Reg. 1209); changed the definition of "recently separated veteran" to include "any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty;" changed "Special Disabled Veterans" to "Disabled Veterans," expanding the coverage to conform to 38 U.S.C. § 4211 (3); and, following publication of the final regulations, required contractors to post job listings with their local employment service delivery system.

PROTECTED GROUPS

Coverage under affirmative action laws and regulations applies to:

Women and minorities who are recognized as belonging to or identifying with the following race or ethnic groups: Whites/Caucasians, Blacks/African Americans, Hispanics/Latinos, Asians/Pacific Islanders, and American Indians/Alaskan Natives.

Any veteran 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 who was discharged or released from active duty because of a service-connected disability.

Recently separated veterans: any veteran currently within three-years of discharge or release from active duty.

Veterans who received an "Armed Forces Medal."

Active duty or wartime campaign badge veteran.

An individual with a disability: 1) a person who has a physical or mental impairment that substantially limits one or more major life activities; (2) a person who has a record of such impairment; or (3) a person who is regarded as having such an impairment.

PROGRAM TERMINOLOGY

"Comparison of incumbency to availability," "deficiency," "problem area," "utilization," "goal," and "benchmark" are terms appearing in this AAP that Texas A&M International University is required by federal government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance whatsoever. Although Texas A&M International University will use the terms in total good faith in connection with its AAP, such use does not necessarily signify that the University agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives.

The comparison of incumbency to availability contained herein is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate Texas A&M International University's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.

The grouping of job titles into a given job group does not suggest that Texas A&M International University believes the jobs so grouped are of comparable worth.

Whenever the term "goal" is used, it is expressly intended that it "should not be used to discriminate against any applicant or employee because of race, color, religion, gender, or national origin," as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e)(2).

This AAP is not intended to create any contractual or other rights in any person or entity.

RELIANCE ON EEOC'S GUIDELINES

Although Texas A&M International University does not believe any violation of Title VII of the Civil Rights Act, VEVRAA, or other state or federal civil rights law exists, it has developed this AAP in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

REPORTING PERIOD

This AAP is designed to cover the following reporting period: 01/01/2014 – 12/31/2014

STATEMENT OF PURPOSE FOR PARTS I AND II

This AAP has been designed to bring women and men, members of minority groups, protected veterans, and individuals with disabilities into all levels and segments of Texas A&M International University's workforce in proportion to their representation in the qualified relevant labor market.

The AAP, therefore, is a detailed, results-oriented set of procedures which, when carried out, results in full compliance with equal employment opportunity requirements through the equal treatment of all people.

The manner in which this is to be accomplished becomes technical and somewhat complicated. There are several reasons for this. First, Texas A&M International University is subject to and must address a variety of state and federal laws and guidelines dealing with equal employment opportunity and affirmative action. These guidelines and requirements are in themselves somewhat technical and complex. In addition, relevant court decisions, which are often useful in interpreting but sometimes conflict with these requirements and guidelines, must be taken into account when developing and implementing the AAP. Furthermore, in determining Texas A&M International University's current equal employment opportunity and affirmative action position and its desired future achievements, numbers, percentages, statistics, and numerous calculations and computations must come into play.

The technical, legal, and mathematical aspects of the AAP, however, all have one common purpose—to allow us to properly identify three key concepts:

1. Where we stand now,
2. Where we must go,
3. How best to get there.

These three concepts are the Affirmative Action Plan.

**TEXAS A&M INTERNATIONAL UNIVERSITY
AFFIRMATIVE ACTION PLAN**

**A MEMBER OF
THE TEXAS A&M UNIVERSITY SYSTEM**

PART I: AFFIRMATIVE ACTION PLAN FOR MINORITIES AND WOMEN

**01/01/2014 – 12/31/2014
(DATA FROM 01/01/2013 – 12/31/2013)**

PART I

AAP FOR MINORITIES AND WOMEN

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PART I: AAP FOR MINORITIES AND WOMEN

CHAPTER 1: ORGANIZATIONAL PROFILE

41 C.F.R. § 60-2.11

Workforce Analysis/Lines of Progression

Texas A&M International University conducted a workforce analysis to identify employees by sex and race/ethnicity in each job title. The data was collected from payroll records dated 12/31/2013.

Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, Texas A&M International University identified the total number of employees, the number of male and female employees, the total number of minority employees, the number of male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native employees, Native Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups.

Lines of Progression

Developed in conjunction with the workforce analysis is information on Texas A&M International University's lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments which employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns will be evaluated to ascertain whether they provide our employees optimum career mobility and opportunities for advancement.

See the *Workforce Analysis/Lines of Progression* for the results per organizational unit.

CHAPTER 2: JOB GROUP ANALYSIS

41 C.F.R. § 60-2.12

Although the workforce analysis was conducted individually for every job title, after it was completed, job titles were grouped for the comparison of incumbency to availability and for setting goals. There were several reasons for grouping jobs.

Many job titles are so similar in content that handling them individually in the AAP is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability. For many job titles, the availability data that can be collected is limited, and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical. Also, many job titles have so few incumbents in them that identifying disparities between incumbency and availability by job title is meaningless—as problem areas would be identified in terms of fractions of people. By grouping several similar titles and increasing the number of employees involved, a meaningful comparison can be conducted; any identified problem areas are more likely to be in terms of whole people. Consequently, goals established to address problem areas are also more likely to be in terms of whole people.

The three reasons for grouping job titles all discuss "similar" or "related" jobs. That is the most critical guideline in creating job groups. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Job groups should have enough incumbents to permit meaningful comparisons of incumbency to availability and goal setting. Ideally, if a job group is identified as containing a problem area, it should be large enough that a goal of a least one whole person can be established. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the the availability percentage and the number of minorities or women already employed in the job group.

It may not be possible for a smaller contractor's job groups to meet the guideline of not crossing EEO categories. While there are usually two or more job groups within each EEO category, for smaller contractors some or all of their job groups may correspond to EEO categories.

Texas A&M International University did not combine job titles with different content, wages, or opportunities if doing so would have obscured problem areas (e.g., job groups which combine jobs in which minorities or women are concentrated with jobs in which they are underrepresented).

CHAPTER 3: PLACEMENT OF INCUMBENTS IN JOB GROUPS
41 C.F.R. § 60-2.13

Each job group appears on a Job Group Report with a name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, job title, employee headcounts for each job title, and overall percentages by sex and race/ethnicity as of 12/31/2013.

See the *Job Group Analysis* for the listing of the job titles and the associated race and sex headcounts per job group.

CHAPTER 4: DETERMINING AVAILABILITY

41 C.F.R. § 60-2.14

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at Texas A&M International University for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if Texas A&M International University's employment decisions are being made without regard to sex, race, or ethnic origin. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for protected groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis), identify problem areas or areas of deficiency, and establish goals to correct the problems.

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2006-2010 EEO Tabulation from the U.S. Census Bureau's American Community Survey.
 - a. Local labor area: Please see Zip Code Analysis report for the counties included in the local labor area. (Zip Code Analysis results only apply to job groups where populated census data is available.)
 - b. Reasonable labor area: State
 - c. Reasonable labor area: National
2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. See the *Internal Availability Analysis* for more detail.

Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights. Weights were never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each sex and race/ethnic group, as well as for minorities in the aggregate.

See the *Availability Analysis* for the availability breakdown for each job group.

CHAPTER 5: COMPARING INCUMBENCY TO AVAILABILITY
41 C.F.R. § 60-2.15

Once final availability estimates were made for each job group, Texas A&M International University compared the percentage of incumbents in each job group to their corresponding availability. A comparison was then made between the percentage employed as of 12/31/2013 and that group's final availability.

See the *Comparison of Incumbency to Availability* for the results per job group.

CHAPTER 6: PLACEMENT GOALS

41 C.F.R. § 60-2.16

Texas A&M International University has established a percentage annual placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. These goals take into account the availability of basically qualified persons in the relevant labor area. They also take into account anticipated employment opportunities with our organization. Texas A&M International University believes these goals are attainable. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs (see Chapter 9). Selections will occur only from among qualified applicants. Goals do not require the hiring of persons when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that Texas A&M International University hire a specified number of minorities or women.

Goals are not rigid and inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire AAP work. A goal is a guidepost against which Texas A&M International University, a community group, or a compliance agency can measure progress in remedying identified deficiencies in Texas A&M International University's workforce. By setting realistic goals, based on expected vacancies and anticipated availability of skills within the relevant labor area, and using a job-related selection system, Texas A&M International University should be able to meet the goals, assuming we conduct effective recruitment and advertising efforts to ensure an adequate pool of qualified minority and/or female qualified applicants from which to make selections.

In establishing goals, Texas A&M International University considered the results which could reasonably be expected from putting forth every good faith effort to make our overall AAP work. We involved human resources staff, department heads, and unit managers and supervisors in the goal-setting process. Goals were not established that would exclude any sex or race/ethnic group.

See the *Placement Goals* report for each job group and the *Goals Progress Report* for progress made since the previous AAP.

CHAPTER 7: DESIGNATION OF RESPONSIBILITY
41 C.F.R. § 60-2.17(a)

The President of Texas A&M International University has the overall responsibility for the implementation of the University's equal opportunity policy.

The President has delegated specific authority and responsibility for affirmative action and diversity programs University-wide to the Director of Human Resources for all phases of the equal employment program.

A. Duties of the Director of Human Resources

The Director of Human Resources:

1. Coordinates the development of policy statements, affirmative action programs, and both internal and external communication programs.
2. Monitors the consistency and completeness of Texas A&M International University's Affirmative Action Program with federal, state, and local agencies' rules and regulations.
3. Serves as a liaison between Texas A&M International University and The Texas A&M University System's Office of Equal Opportunity and Diversity, minority and women's organizations, and other community groups serving women and minorities and the citizens of the State of Texas.
4. Disseminates current legal information affecting affirmative action to appropriate personnel.
5. Assists hiring supervisors in collecting and analyzing employment data and identifying problem areas.
6. Ensures the maintenance of records regarding recruitment, employment, and retention of women and minorities, as well as ensures that Texas A&M International University maintains required applicant flow data.
7. Periodically reviews Texas A&M International University's personnel policies and practices in an effort to identify possible problem areas and to develop and suggest solutions for hiring supervisors.
8. Investigates charges of discrimination filed by Texas A&M International University employees or applicants for employment with Texas A&M International University.
9. Ensures the equal opportunity and affirmative action policy is posted internally.

B. Duties of Department Directors, Managers, and Supervisors

The Department Directors, Managers, and Supervisors have the responsibility of applying the principle of equality in all personnel actions. Their duties include:

1. Applying the principles of equal employment opportunity in all terms and conditions of employment.
2. Reviewing the qualifications of all employees to ensure minorities and women are given full opportunity for transfers and promotions.
3. Taking action to prevent harassment of employees due to race, color, religion, sex, national origin, age, disability, or veteran status.
4. Ensuring that minority and female employees are afforded full employment opportunities and are encouraged to participate in all University-sponsored educational and training activities.
5. Ensuring that their department or division fully complies with the spirit and policies of the affirmative action program.
6. Ensuring that no one in their department or division harasses employees, retaliates against employees for using the complaint and appeal procedures, and retaliates against employees for filing a complaint with a federal, state, or local compliance agency.
7. Being accountable to senior management for personal support of Texas A&M International University's equal opportunity and affirmative action policies.

CHAPTER 8: IDENTIFICATION OF PROBLEM AREAS
41 C.F.R. § 60-2.17(b)

Terminology

The phrases “comparison of incumbency to availability” and “problem area” appearing in this chapter are terms Texas A&M International University is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although Texas A&M International University will use the terms in good faith in connection with its AAP, such use does not necessarily signify the company agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives. Whenever the term “goal” is used, it is expressly intended that it “does not provide the contractor with a justification to extend a preference to any individual’s employment status, on the basis of that person’s race, color, religion, sex, or national origin” (Title 41 Code of Federal Regulations 60-2.16).

In addition to comparing incumbency to availability within job groups, Texas A&M International University has conducted studies to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). Texas A&M International University will continue to monitor and update these studies during each AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs described in Chapter 9 of this AAP.

Goals are established within each of the job groups at the current availability for the job group.

41 C.F.R. § 60-2.17(b)(1): Workforce by Organizational Unit and Job Group

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough review of the *Workforce Analysis*.

An analysis of minority and female utilization within each job group was accomplished by a thorough review of the *Comparison of Incumbency to Availability* reports.

41 C.F.R. § 60-2.17(b)(2): Personnel Activity

Applicant flow, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between men/women and whites/minorities was accomplished by a thorough examination of transaction data. See the *Summary of Personnel Transactions Report* for each job group.

41 C.F.R. § 60-2.17(b)(3): Compensation Systems

Compensation analyses were conducted by comparing the salaries for men v. women, and whites v. minorities in each job title.

CHAPTER 9: ACTION-ORIENTED PROGRAMS
41 C.F.R. § 60-2.17(c)

Texas A&M International University has instituted action-oriented programs to address identified problem areas and to help achieve specific affirmative action goals. These programs include:

1. An annual review of position descriptions conducted to ensure they accurately reflect job functions;
2. Availability of position descriptions to all appropriate individuals involved in the recruiting, screening, selection, and promotion processes;
3. Review by the Office of Human Resources of the selections process to ensure freedom from bias through:
 - a. Central review of position descriptions prior to posting to ensure titles and duties are related and consistent.
 - b. Centralization of online applicant screening questions.
 - c. Use of a selection matrix as applicable to ensure all applicants are treated equally and fairly and to ensure consistency in interviewing potential employees.
 - d. Review of applicable selection matrices to ensure screening requirements are job-related and consistent.
 - e. Monitoring administrators' and faculty members' completion of "Effective Hiring Practices" training.
 - f. Monitoring employees' completion of nondiscrimination training within 30 days of hire and every two years thereafter.
4. Use of techniques to advance recruitment and increase the flow of minority and female applicants through:
 - a. Placement of recruiting ads in various media outlets based on the appropriateness. Ads for professional positions are placed in relevant professional job-related magazines and websites. All printed ads include the phrase Equal Opportunity/Affirmative Action Employer.
 - b. Listing all positions on the Texas A&M International University and the Texas A&M University System employment websites, as well as with the Texas Workforce Commission (TWC).
 - c. Encouraging current employees to refer qualified applicants.

5. Encouraging Texas A&M International University employees to apply for positions posted on the Texas A&M International University employment website that would result in a promotion.
6. Offering internal training opportunities to Texas A&M International University employees, and encouraging employees to participate in professional development programs.

CHAPTER 10: INTERNAL AUDIT AND REPORTING
41 C.F.R. § 60-2.17(d)

Pursuant to §60-2.17(d), Texas A&M International University has conducted studies to identify problem areas in each of the selection procedures (i.e., hires, promotions, and terminations) within the job groups. Texas A&M International University will continue to monitor and update these studies during each AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with the action-oriented programs described in Chapter 9 of this AAP. The reporting and monitoring system provides for:

- **Analysis of Annual Placement Goal Attainment:** Texas A&M International University compares the race/ethnicity and sex composition of individuals moving into a job group with applicable Annual Placement Goals for that job group.
- **Analysis of Applicant Flow and New Hires:** Pursuant to §60-2.17(b)(2), Texas A&M International University performs a statistical comparison of the race/ethnicity and sex composition of applicants and new hires by job group.
- **Analysis of Terminations:** Pursuant to §60-2.17(b)(2), Texas A&M International University performs a statistical comparison of the race/ethnicity and sex composition of terminated employees by job groups. Involuntary terminations were compared to those available to be terminated.
- **Analysis of Promotions:** Pursuant to §60-2.17(b)(2), Texas A&M International University performs a statistical comparison of promotions by race/ethnicity and sex by comparing promotions into each job group to the internal availability data for that job group.
- **Analysis of Compensation:** Pursuant to §60-2.17(b)(3), Texas A&M International University performs a compensation analyses by comparing the mean salaries for men v. women and whites v. minorities in each job group. Mean tenure within the organization is also considered as a moderating factor.

**TEXAS A&M INTERNATIONAL UNIVERSITY
AFFIRMATIVE ACTION PLAN**

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**PART II: AFFIRMATIVE ACTION PLAN FOR PROTECTED VETERANS AND
INDIVIDUALS WITH DISABILITIES**

**01/01/2014 – 12/31/2014
(DATA FROM 01/01/2013 – 12/31/2013)**

PART II

AAP FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

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CHAPTER A: POLICY STATEMENT
41 C.F.R. §§ 60-250.44(a); 60-300.44(a); 60-741.44(a)

It is the policy of Texas A&M International University and my personal commitment that equal employment opportunity be provided in the recruitment, hiring, training, and promotion of protected veterans and individuals with disabilities in all job titles, including the executive level. This policy is fully supported by Texas A&M International University's Chief Executive Officer. Texas A&M International University does not and will not discriminate against any applicant or employee because he or she is a protected veteran or because of a physical or mental disability in regard to any position for which the applicant or employee is qualified. In addition, Texas A&M International University is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veterans and individuals with disabilities. Such affirmative action shall apply to all personnel actions, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. All employment decisions are based on valid job requirements. Texas A&M International University will make every effort to provide reasonable accommodations for any physical and mental limitations of individuals with disabilities and to disabled veterans.

Employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in filing a complaint; assisting or participating in an investigation, compliance evaluation, hearing, or other activity related to the administration of federal, state, or local law requiring equal opportunity for individuals with disabilities; opposing any act or practice made unlawful by any federal, state, or local law requiring equal opportunity for individuals with disabilities, or exercising any other right protected by Section 503 of the Rehabilitation Act or its implementing regulations.

I reaffirm this commitment to equal opportunity, access, and affirmative action in an annual communication to all employees, which is also posted on Texas A&M International University's website. I have delegated day to day implementation of the affirmative action program to Sandra V. Pena, Director of Human Resources. An audit and reporting system is in place for implementation of the affirmative action program.

Our obligations in this area stem from not only from adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to protected veterans and individuals with disabilities.

If you have any questions regarding our equal employment opportunity or harassment policies or complaint procedures, you may contact Sandra V. Pena, Director of Human Resources at (956) 326-2365. The Affirmative Action Plan may be reviewed by making an appointment with the Director of Human Resources.

Dr. Ray M. Keck, President

CHAPTER B: REVIEW OF PERSONNEL PROCESSES
41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel processes are conducted in a job-related manner which provides and promotes equal employment opportunity for all known protected veterans and employees and applicants with disabilities, reviews are periodically made of Texas A&M International University's selection methods.

Review of Policies, Practices, and Procedures

1. Selection procedures for employment, promotion, and training are reviewed to ensure careful, thorough, and systematic consideration of the qualifications of known individuals with a disability and covered veterans.
2. The following actions are being taken to ensure systematic consideration of known individuals with a disability and covered veterans:
 - a. In each case where a covered employee or applicant is rejected for employment, promotion, or training, a statement of reason is maintained; and
 - b. When covered applicants or employees are selected for hire, promotion, or training and any resulting accommodation is undertaken, the accommodation is properly documented.

CHAPTER C: PHYSICAL AND MENTAL QUALIFICATIONS
41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements are job-related and promote equal employment opportunity for known protected veterans and individuals with disabilities, reviews are periodically made of Texas A&M International University's physical and mental job qualifications and requirements as they relate to employment, training, promotion, and demotion.

Texas A&M International University's physical and mental job qualification standards are reviewed to ensure do not disqualify individuals with disabilities or disabled veterans except in cases where the standards are job-related and consistent with business necessity. This review is done as position descriptions are created or updated. Any previously reviewed classification will be reviewed again if there is a change in working conditions that affect the job's physical or mental requirements (e.g., new requirements, new equipment, etc.)

The burden of proof to demonstrate the necessity of any qualification requirement which may disqualify a protected veteran or an individual with a disability rests with Texas A&M International University.

Military records will not be used by Texas A&M International University to discriminate against any protected veteran.

**CHAPTER D: REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL
LIMITATIONS**

41 C.F.R §§ 60-300.44(d); 60-741.44(d)

Texas A&M International University will make reasonable accommodations to known physical and mental limitations of otherwise qualified individuals with disabilities disabled veterans unless it can demonstrate that such accommodations would impose an undue hardship on the operation of business. If an individual with a disability or disabled veteran is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, Texas A&M International University will confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, Texas A&M International University will confidentially inquire whether the employee is in need of a reasonable accommodation.

Employees may also contact the following individual at any time to formally request an accommodation:

Sandra V. Pena
Director of Human Resources
Phone: (956) 326-2365
Email: sandra@tamiu.edu

CHAPTER E: HARASSMENT
41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

Texas A&M International University has developed and implemented a set of procedures to ensure that its employees with disabilities and protected veterans are not harassed because of disability or veteran status. All new employees are required to complete online nondiscrimination training as part of the process for being entered onto payroll and every two years thereafter.

**CHAPTER F: EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND
POSITIVE RECRUITMENT
41 C.F.R. §§ 60-300.44(f); 60-741.44(f)**

Texas A&M International University will undertake appropriate outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified individuals with disabilities and protected veterans.

- 1) Texas A&M International University's statement on equal opportunity and affirmative action is communicated to all prospective employees through its inclusion on job postings and the official application for employment.
- 2) All Texas A&M International University's job openings will continue to be listed with the Texas Workforce Commission to ensure that all prospective applicants are aware of openings.
- 3) Employees are advised of the University's obligation to engage in affirmative action efforts to employ covered veterans and/or individuals with a disability.
- 4) Additional outreach efforts will be made as needed to meet the benchmarks established for hiring protected veterans and the utilization goals for individuals with disabilities.

CHAPTER G: INTERNAL DISSEMINATION OF POLICY
41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

In order to gain positive support and understanding for the affirmative action program for protected veterans and individuals with disabilities, Texas A&M International University will implement or continue to implement the following internal dissemination procedures. The following policies and procedures are designed to foster support and understanding from Texas A&M International University's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid Texas A&M International University in meeting its obligations.

1. The President of Texas A&M International University distributes written communication of reaffirmation of commitment to affirmative action annually to all employees. This memorandum is also available on the Texas A&M International University Office of Human Resources website.
2. Commitment to Equal Opportunity and Affirmative Action is communicated to new employees during new employee training.
3. The Affirmative Action Plan is available on the University website.
4. The Director of Human Resources provides the President and appropriate managers and supervisors updates on equal employment opportunity progress.
5. State and Federal EEO posters are displayed at Texas A&M International University.
6. EEO information is displayed on the University's online employment system called TAMIUWorks.
7. The Texas A&M University System Policy 08.01 and Regulation 08.01.01 set forth the system's commitment to affirmative action compliance.

CHAPTER H: AUDIT AND REPORTING SYSTEM
41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

Texas A&M International University has developed and currently implements an audit and reporting system that addresses the following:

- 1) Measures the effectiveness of the affirmative action program.
- 2) Indicates the need for remedial action.
- 3) Determines the degree to which objectives have been attained.
- 4) Determines whether protected veterans have had the opportunity to participate in all University-sponsored educational, training, recreational, and social activities.
- 5) Measures compliance with the affirmative action program's specific obligations.

CHAPTER I: RESPONSIBILITY FOR IMPLEMENTATION
41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

1. The President of Texas A&M International University has ultimate responsibility for the success of the affirmative action program. The President has delegated specific authority and responsibility for affirmative action to Director of Human Resources.
2. Managers and supervisors share in the responsibility for implementation.
3. Individual departments share the administrative responsibilities of day-to-day implementation of the program.
4. All positions for which external candidates are considered are posted and advertised.
5. The Office of Human Resources is responsible for reviewing staff appointment recommendations for conformity to affirmative action guidelines and equal opportunity requirements.

CHAPTER J: TRAINING
41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

Texas A&M International University trains employees involved in the recruitment, screening, selection, promotion, discipline, and related processes to ensure commitment and application of Texas A&M International University's affirmative action program are implemented.

CHAPTER K: COMPENSATION
41 C.F.R. §§ 60-300.21(i); 60-741.21(i)

It is the policy of Texas A&M International University that when offering employment or promotions to protected veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any income based upon a disability-related and/or military service-related pension or other benefit the applicant or employee receives from another source.