

COLLEGE OF WILLIAM AND MARY

INTERDEPARTMENTAL COMMUNICATION

From

Wesley C. Wilson 

Date January 24, 1977

To

Persons Listed Below

SUBJECT:

Attached - Affirmative Action Plan For Handicapped

Dr. Thomas A. Graves, Jr.	The Library
Vice President William J. Carter	Mr. Bruce W. Locke
Vice President George R. Healy	Mr. E. Leon Looney
Vice President Warren Heemann	Lt. Col. Lawrence L. Mills
Mr. Henry Aceto, Jr.	Dean Carolyn Moseley
Mr. Lawrence S. Beckhouse	Mr. Peter V. O'Neil
Mr. Stanley E. Brown	Mr. William C. Pollard
Mr. Jay L. Chambers	Dean Charles L. Quittmeyer
Mr. Miles Chappell	Mr. Irving H. Robitshek
Dr. Richard D. Cilley	Dean W. Samuel Sadler
Mr. Paul Clem	Dean John E. Selby
Mr. Stephen C. Clement	Mr. Thomas F. Sheppard
Mr. William S. Cobb	Mr. Roger D. Sherman
Mr. Jack Edwards	Mr. Howard M. Smith
Mr. Ervin D. Farmer	Mr. LeRoy W. Smith
Mr. Thomas M. Finn	Dean William B. Spong, Jr.
Mr. Martin A. Garrett, Jr.	Mr. Vinson H. Sutlive, Jr.
Mr. Harvey Gunson	Mr. Hans von Baeyer
Mr. Ronald Hallett	Mr. Stewart A. Ware
Ms. Margaret L. Hamilton	Mr. Ross Weeks, Jr.
Mr. E. Rae Harcum	Mrs. Mildred B. West
Dean William J. Hargis, Jr.	Dean James M. Yankovich
Dean Robert P. Hunt	Mr. David McCloud
Mr. Satoshi Ito	Mrs. Gracie Bailey
Mr. Henry C. Johnson	
Mr. James S. Kelly	
Mr. Richard L. Kiefer	
Mr. Lewis W. Leadbeater	
Mr. Frank T. Lendrim	

THE COLLEGE OF WILLIAM AND MARY'S
AFFIRMATIVE ACTION PLAN FOR HANDICAPPED

PART I: COMMITMENT



THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA
OFFICE OF THE PRESIDENT
WILLIAMSBURG, VIRGINIA 23185

January 17, 1977

TO: All Concerned

SUBJECT: Commitment To Equal Opportunity For The Handicapped

During the past decades, the Congress has passed a number of important civil rights laws. These basic nondiscrimination provisions, enforced by HEW's Office for Civil Rights, protect our right to equal opportunity in federally assisted programs.

Most recently Section 503 of the Rehabilitation Act of 1973 was enacted and Section 504 of the same Act was proposed. The Rehabilitation Act of 1973, requires that - "No otherwise qualified handicapped individual in the United States... shall, solely by reason of handicap, be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Although the College of William and Mary has long had a history of making educational programs and employment accessible to handicapped persons, it is my intent, at this time, to reaffirm our policy of and commitment to equal opportunity for the handicapped.

I have appointed Wesley C. Wilson as the College Compliance Officer and as such he will oversee the implementation of Sections 503 and 504. Questions, concerns or grievances relating to the equal opportunity of the handicapped should be directed to him at the following address or telephone number:

Mr. Wesley C. Wilson
Assistant to the President
for AA/EEO
The College of William and Mary
Williamsburg, Virginia 23185
AC804-229-3000 Ext. 651

Sincerely,

Thomas A. Graves, Jr.
President

TAG:vc

PART II: DEFINITION OF HANDICAPPED

HANDICAPPED PERSON - "Any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." "Major life activities" means, for example, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Alcohol and drug addicts are "handicapped", as are the mentally retarded. A handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment or education because of a handicap. Any person claiming to be a handicapped person must, on the request of the institution, either provide medical documentation or undergo a medical examination provided at the College's expense. The AMA Guide to the Evaluation of Permanent Impairment is the standard used to determine the existence of a handicap; it may not be used, however, to determine the degree of handicap.

QUALIFIED HANDICAPPED PERSON

1. With respect to employment, it means a "handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.
2. With respect to post-secondary or vocational education, it means a handicapped person who meets the normal academic or technical qualifications.
3. With regard to adult or continuing education, it means a handicapped person of any age during which non-handicapped persons receive services.
4. With respect to other services, it means a handicapped person who meets the essential normal eligibility requirements.

PART III: WHAT IS SPECIFICALLY PROHIBITED

SPECIFIC KINDS OF DISCRIMINATION PROHIBITED: In general, no qualified handicapped person shall, because of his handicap, be excluded from or be denied the benefits of any program to which this law applies. Specifically, a recipient may not discriminate in the following ways:

1. By denying the person any benefit, or excluding him from a program, without affording him an opportunity which is equal to that afforded nonhandicapped persons.
2. By providing the person with different or separate benefits or opportunities, unless it is necessary to do so to provide the person with benefits or opportunities which are as effective as those provided to nonhandicapped persons. This does not mean that the recipient must guarantee that handicapped persons must achieve as much as nonhandicapped persons, only that he have the same opportunity to do so.
3. By choosing a location for a facility which effectively denies handicapped persons the chance to benefit from the program conducted in the facility.
4. By providing assistance to any agency or person which discriminates against handicapped persons; or by entering into contracts or other arrangements with organizations which discriminate.
5. By using criteria and methods of administration which discriminate against handicapped persons when determining what benefits will go to what class of persons in new programs.

NO DISCRIMINATION IN EMPLOYMENT PRACTICES: In general, a recipient may not discriminate in any aspect of employment. Handicapped applicants or employees may not be segregated or classified in any manner which may result in discriminatory treatment. There may not be jobs reserved solely for handicapped persons, nor can there be separate career ladders. Compliance is required regardless of conflicting union agreements. Employment includes, but is not limited to, the following:

1. Recruitment or advertising;
2. Hiring, promotion, awarding tenure, termination, layoff;

3. Rate of pay;
4. Job assignment, career ladders, seniority lists;
5. Leaves of absence, sick leave, or any other leave;
6. Fringe benefits of any kind;
7. Selection for training or conferences;
8. Employer's social or recreational activities.

NO DISCRIMINATION IN FRINGE BENEFITS: No fringe benefit program may be offered which does not provide for equal benefits to handicapped persons, unless "any difference in benefits or contributions is justified by verifiable actuarial figures and an actual, substantial increase in cost to the recipient." "Fringe benefit" includes any medical, hospital, disability, accident, or life insurance; or any retirement benefit, profit sharing plan, or other employment benefit.

DISCRIMINATORY EMPLOYMENT CRITERIA MAY NOT BE USED: No test or criterion for hiring which has the effect of excluding a disproportionate number of handicapped persons may be used unless (1) it has been demonstrated that the test really shows who will be successful in the job, and (2) no other effective but less discriminatory test is available. In particular, where a person with a sensory, manual or speaking impairment is given a job test, the employer must be able to show that the test is an accurate measure of the person's job skills, not of his sensory, manual or speaking ability, (except, of course, where these abilities are the job skills being measured).

ONLY LIMITED PRE-EMPLOYMENT INQUIRIES ABOUT A HANDICAP MAY BE MADE: The only inquiries permissible are those which are necessary to find out if the person has a handicap which (1) is a hazard to that person or to other employees, or is (2) one which requires an accommodation. No inquiry may be made about an applicant's handicap in a manner which results in discrimination. Such inquiries must include a statement that this law applies and that the information received will not be used to discriminate. Any information regarding the person's medical condition or history must be collected on separate forms and must be treated as confidential medical records.

PART IV: POLICY DISSEMINATION

Copies of the President's policy statement and this Affirmative Action Plan shall be distributed internally using a general distribution list and the campus news media. Each school and department shall make copies available to their faculty and staff.

The Dean of Undergraduate Students shall make copies accessible to undergraduate students.

The Deans of Graduate and Law schools shall make copies accessible to their respective students.

The Dean/Director of Admissions and Personnel shall have copies available for all prospective students and employees. They shall especially have copies available at all admissions or hiring seminars and shall publicly affirm the College's commitment to the handicap at such seminars.

All advertisements for employment, catalogs and student handbooks shall contain an affirmation of equal opportunity to the handicap.

Meetings will be scheduled, as required, for faculty, staff, students and classified employees to discuss the direction and intent of the College's affirmative action policies and the institutional and individual responsibilities for effective implementation.

The College shall notify all recruiting sources verbally and in writing of its affirmative action policy and request these sources to actively recruit and refer qualified handicapped persons for employment vacancies and educational programs.

The College shall notify all handicap organizations, community agencies, community leaders and secondary schools of the College's affirmative action policy, as well as providing direct information to all prospective employees and students.

PART V: BASE-LINE SELF-EVALUATION

The College will begin immediately to determine the extent to which it is in compliance with federal regulations. Self-evaluation will be consistent with Section 503 and updated to meet the anticipated 504 guidelines when and where necessary.

Self-evaluation shall be made in light of the following:

1. To what extent is the College prepared to identify and make reasonable accommodation to known physical or mental limitations of a handicapped applicant or employee?
2. Reasonable accommodation includes (a) making facilities used by employees readily accessible to and usable by handicapped persons and (b) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.
3. What areas or programs, if any, might be considered subject to undue hardship if the reasonable accommodation rule were applied. Undue hardship must be capable of being demonstrated. In determining whether an accommodation would impose an undue hardship on the operation of a College program, factors to be considered include:
 - (a) The overall size of the program with respect to number of employees, number and type of facilities, and size of budget;
 - (b) The type of operation, including the composition and structure of the recipient's work force; and
 - (c) The nature and cost of the accommodation needed.

Information is required to be provided to all employees regarding the College's commitment to engage in affirmative actions that will increase employment opportunities for qualified handicapped individuals:

1. Identify and catalog those resources and persons available to provide the necessary communication service.
2. Determine the relative effectiveness of the identified resources and persons and how are they currently being utilized to provide the necessary service.

The extent the College has identified and enlisted the recruiting sources available to assist and support an affirmative action program for the handicapped.

The extent which the College is identifying handicapped employees and reviewing employment records to determine the availability of promotable qualified handicapped individuals.

PART VI: ADVERTISEMENT AND RECRUITMENT

Current methods of recruitment of and advertisement for candidates for appointment shall be reviewed, and new or modified methods shall be introduced in order to insure the inclusion of the handicap population. A list of agencies and groups interested in the handicapped will be provided to all search committees by the AA/EEO office. A special notice to the handicap regarding consideration for reasonable accommodation shall be added to the dial-a-job tape. In addition the word handicap will be included in all EEO statements, as College publications and catalogs are represented.

PART VII: IDENTIFICATION OF HANDICAPPED APPLICANTS

In order to analyze and monitor the recruitment process it will be necessary to identify handicapped applicants. The best method for the College faculty and staff will be through the use of the ethnic data request. The form in use at the College has been modified to meet this need. Data on classified applicants can be captured by the personnel office at time of interview. It must be kept in mind that this information may only be requested and is provided voluntarily.

THE COLLEGE OF WILLIAM AND MARY
Student/Employee Certification of Handicap
Survey Form

When Completed This Form Should Be Returned To

Wesley C. Wilson, AA/EEO Office, Marked - CONFIDENTIAL-

Assurance of Confidentiality

TO: Person completing this form:

The voluntary information requested on the reverse side shall be kept confidential, except to:

- a. Inform supervisors or instructors of appropriate restrictions and need for accommodation;
- b. Advise College medical personnel, when and to the extent appropriate of a condition that might require emergency treatment;
- c. Conduct College affirmative action compliance reviews.

Definition Of Handicapped Individual

For the purpose of this certification, the term HANDICAPPED INDIVIDUAL shall mean:

An individual who (1) has a physical or mental impairment which substantially limits one or more of such individual's major life activities; (2) has a record of such impairment; or, (3) is regarded as having such an impairment.

A handicapped individual is considered "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment or education because of a handicap.

Student/Employee: _____
(Name)

Certification of Handicap:

I am a "handicapped individual" as defined by Section 503 of the Rehabilitation Act of 1973, as amended for the purpose of Affirmative Action.

My handicap(s) is: _____

The limitations or restrictions caused by my handicap(s) are (describe briefly): _____

Statement of Understanding:

I understand that submission of the above information is voluntary and is to be used only for the purpose of administering the College' Affirmative Action Programs.

Student's/Employee's Signature

Date

If you have any questions, please contact Mr. Wesley C. Wilson, Office of the President, The College of William and Mary, Williamsburg, Virginia 23185, Extension 651.