



AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY

**THE AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY APPLAUDS THE RELEASE OF THE
DEPARTMENT OF LABOR'S TECHNICAL ASSISTANCE GUIDE
FOR EDUCATIONAL INSTITUTIONS**

*Organization of equal opportunity and diversity professionals supports efforts the DOL's Office of Federal
Contract Compliance Programs (OFCCP) made in enhancing its Compliance Assistance Program for
Academic Institutions and other Sectors*

For Immediate Release: October 14, 2019

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Washington, DC, October 14, 2019 - The American Association for Access, Equity and Diversity (AAAED), an organization of equal opportunity, diversity and affirmative action professionals, announced that it supports the release of the Technical Assistance Guide (TAG) for Educational Institutions that the Office of Federal Contract Compliance Programs (OFCCP) issued today. The OFCCP enforces laws that require nondiscrimination and equal opportunity by companies and institutions doing business with the federal government. According to OFCCP, the TAG for Educational Institutions "provides a general overview of contractor obligations specific to Educational Institutions under the equal employment opportunity laws enforced by OFCCP."

Founded in 1974 as the American Association for Affirmative Action (AAAA), AAAED is a national not-for-profit association of professionals working in the areas of equal opportunity, compliance and diversity. The longest-serving representative of individuals in the equal opportunity and diversity professions, AAAED has 45 years of leadership providing quality professional training to practitioners and promoting understanding and advocacy of affirmative action and other equal opportunity laws. Nearly one-half of its membership is composed of EEO professionals working for academic institutions.

Many colleges and universities have contracts with the federal government and are therefore covered by the laws enforced by OFCCP. Among those laws are Executive Order 11246, *as amended*, signed by President Lyndon Baines Johnson in 1965. Order 11246 prohibits employment discrimination on the basis of race, color, religion, sex, national origin, sexual orientation and gender identity. OFCCP also enforces Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP's laws cover approximately one-quarter of the civilian labor force.

Shirley J. Wilcher, Executive Director of the Association, stated, "The OFCCP has been entrusted with the protection of some of the most historically vulnerable populations in the United States: women, people of color, religious groups including religious minorities, members of the LGBTQ community, those whose

national origins are different, individuals with disabilities, and disabled veterans. We appreciate the agency's efforts to assist federal contractors to comply with its laws."

Wilcher, who served as Deputy Assistant Secretary for OFCCP in the 1990s, added: "We, who have maintained a fruitful dialogue with OFCCP for many years on behalf of the academic community, also thank Director Crag Leen and his efforts to seek our input in the drafting of this Technical Assistance Guide." OFCCP has announced that it also plans to release TAGs on compliance in the Construction and Supply and Service sectors.

The OFCCP Technical Assistance Guide (TAG) for Educational Institutions, released on October 11, 2019, provides both general information on contractor compliance, as well as guidance specific to academic institutions. The 80-page document demonstrates a comprehensive understanding by OFCCP of the challenges academic institutions have faced in complying with the regulations. The TAG not only addresses these issues, but it also provides specific examples from academia and detailed explanations for compliance that can immediately be incorporated into the analyses conducted by educational institutions. Among the issues addressed are:

- The Affirmative Action Program (AAP) Structure for Educational Institutions
- "Student Workers" and whether they should be included in the AAP
- Issue of "Unknowns" i.e., those whose race, sex or ethnicity of applicants and employees are unidentified
- AAP Job groups for educational institutions, including instructional and non-instructional staff
- Best Practices
- Compensation Analyses and the uniqueness of educational institutions
- "What to Expect During a Compliance Evaluation"

Specialty Areas

OFCCP recognizes three areas that may require additional clarity: athletics, medical, and online institutions. The guidance addresses some of the unique challenges in analyzing hiring decisions and compensation for staff and faculty in these areas.

Additional Resources

The TAG includes a comprehensive glossary, sample organizational profiles, guidance for determining availability, a sample VEVRAA self-ID form, and information on how to conduct an adverse impact analysis.

For more information about the **OFCCP Technical Assistance Guide on Educational Institutions register for the AAAED Listening Session with OFCCP Director Craig Leen on October 24, 2019**. To register, click here. This Listening Session is free to AAAED Members. To join AAAED, go to:

https://www.aaed.org/aaed/Join_Us.asp.

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