

# Equal Opportunity and Affirmative Action Plan 2012-2014



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AN EQUAL OPPORTUNITY EDUCATOR/EMPLOYER UN EDUCADOR/EMPLEADOR DE OPORTUNIDAD IGUAL

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**I. AFFIRMATIVE ACTION PLAN EXECUTIVE SUMMARY  
FOR MINNESOTA STATE COMMUNITY AND TECHNICAL COLLEGE  
Executive Summary for 2012-2014**

1. Our review of the goal units listed below revealed underutilization (indicated by an X) of the following protected group(s):

Goal Units	Protected Groups		
	Women	Minorities	Disabilities
Officials and Administrators	X	X	X
Professionals – Faculty		X	X
Professionals – Non-faculty		X	X
Technicians/Paraprofessionals		X	X
Office/Clerical		X	X
Service Maintenance/Skilled Craft	X	X	X

2. Copies of the complete Affirmative Action Plan will be distributed to college administration, union representatives for each bargaining unit, the college wide Affirmative Action and Diversity Committee, the Human Resources Office, each campus library, and Minnesota State Community and Technical College's website at: [www.minnesota.edu/about](http://www.minnesota.edu/about) . Each campus library will maintain a copy of the Affirmative Action Plan that is readily accessible to students, employees, and the public.
3. The annual Affirmative Action Plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee will be apprised of this procedure as well and the college's goals.

Doug Andring  
Doug Andring, Affirmative Action Officer

1/10/13  
Date

4. The annual Affirmative Action Plan contains clear designations of those persons or groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

Peggy H Kennedy  
Dr. Peggy Kennedy, President

1/10/13  
Date

5. The annual Affirmative Action Plan meets the rules governing affirmative action, MCAR Chapter 3905.0600 Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Peggy H Kennedy  
Dr. Peggy Kennedy, President

1/10/13  
Date


## **II. STATEMENT OF COMMITMENT TO AFFIRMATIVE ACTION BY THE COLLEGE PRESIDENT**

Minnesota State Community and Technical College (the College) is committed to conducting all personnel and educational activities without regard to race, sex, color, creed, religion, age, national origin, marital status, disability, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law. Personnel activities include, but are not limited to: recruitment, selection, placement, employee development, promotion, retention, compensation, leaves of absence, disciplinary action, transfer, demotion, termination, and layoffs affecting all employees and job applicants. Minnesota State Community and Technical College will not tolerate discrimination on the basis of these protected class categories in accordance with all state and federal equal opportunity/affirmative action laws, directives, orders, and regulations.

Minnesota State Community and Technical College is committed to implementation of this affirmative action plan and fully supports the State of Minnesota's affirmative action efforts. Minnesota State Community and Technical College will implement and maintain an affirmative action program that takes aggressive measures to eliminate internal barriers to equal opportunity and that strives to remedy the historical under representation in the employment, retention, and promotion of qualified persons with disabilities, persons of color, and women.

It is Minnesota State Community and Technical College's policy to actively pursue equal employment practices during all phases of the employment process. In that spirit, Minnesota State Community and Technical College will continue to seek opportunities to maximize the selection and retention of protected group employees by:

- continuing to actively and aggressively recruit protected group applicants;
- continuing affirmative action training for employees, with an emphasis on those serving on interview teams; and by
- supporting affirmative measures to retain protected group employees.

  
\_\_\_\_\_  
Dr. Peggy Kennedy, President  
Minnesota State Community and Technical College

\_\_\_\_\_  
1/10/13  
Date

### **III. AFFIRMATIVE ACTION OFFICER/DESIGNEE AND DUTIES**

#### **A. PRESIDENT**

As the primary administrator of Minnesota State Community and Technical College the President is responsible for overseeing Minnesota State Community and Technical College's Equal Opportunity and Affirmative Action (EO/AA) policies, procedures and programs as well as assuring compliance with all related state and federal laws, rules and regulations. Final disposition of all such issues resides with the President.

##### **1. Responsibilities**

- a) Ensure that adequate staffing and resources are committed to implement Minnesota State Community and Technical College's policies in the area of EO/AA.
- b) Appoint an Equal Opportunity and Affirmative Action Officer (EO/AAO) whose main duties are to assist in carrying out established EO/AA responsibilities.
- c) Incorporate into the position description of all administrators and supervisors a clear definition of their responsibilities in the area of EO/AA.
- d) To include an evaluation of the performance of all administrators and supervisors of their responsibilities in the area of EO/AA as a part of the annual performance review process.
- e) Name an Affirmative Action and Diversity Committee responsible for making recommendations concerning EO/AA programs, policies, and procedures for the college. The President shall ensure that underutilized class members are included on the Affirmative Action and Diversity Committee and that Committee members include representation from various constituencies within the College. The President shall appoint representatives to the Affirmative Action and Diversity Committee based upon recommendations of the constituent groups.
- f) Ensure that underutilized group members are included on other respective committees and project/action teams throughout the college and that the various constituencies within the College are also represented.
- g) Provide the MnSCU Office of Equal Opportunity and Diversity with an annual summary of the College's accomplishments in meeting goals set during the previous year.

##### **2. Accountability**

The President is directly accountable to the Chancellor on all matters relating to equal opportunity and affirmative action at Minnesota State Community and Technical College.

## **B. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION OFFICER (EO/AAO)**

The EO/AAO is responsible for the overall implementation and administration of Minnesota State Community and Technical College's Equal Opportunity/Affirmative Action programs.

### **1. Responsibilities**

- a) Oversee the College's compliance with federal, state, and system laws, regulations, and policies pertaining to EO/AA programs, including Title IX, 504 legislation, and Americans with Disabilities Act legislation.
- b) Ensure that all administrative supervisors are held accountable for the achievement of affirmative action goals and objectives and the fulfillment of EO/AA requirements by the college.
- c) Advise the President on EO/AA program process.

### **2. Duties**

- a) Develop, monitor, implement, and evaluate College EO/AA programs, plans, and guidelines, in conjunction with the college Affirmative Action and Diversity Committee.
- b) Monitor the search and selection, hiring process for all positions in accordance with established guidelines and procedures for recruitment.
- c) Provide recommendations to appropriate members of the college community regarding EO/AA.
- d) Prepare internal and external institutional reports on EO/AA efforts and accomplishments.
- e) Coordinate and/or promote EO/AA training and education programs.
- f) Serve as the College's advocate and primary resource on EO/AA laws, regulations, and procedures.
- g) Review, investigate, and process complaints of discriminatory harassment, sexual/gender harassment, sexual orientation/affectional preference harassment, sexual violence, racial, religion, national origin, political affiliation, color, creed, disability harassment, workplace violence, and/or lack of EO/AA in accordance with established guidelines.

### **3. Accountability**

The EO/AAO is directly accountable to the President for the overall implementation and administration of Minnesota State Community and Technical College's equal opportunity and affirmative action programs.

## **C. ADMINISTRATORS/SUPERVISORS**

Administrators and supervisors are responsible for enforcing and implementing equal opportunity and affirmative action policies, procedures, and programs within their functional areas of responsibility.

### **1. Responsibilities**

- a) Assure that all EO/AA policies, plans, and procedures are complied with and carried out in their respective administrative units.
- b) Assure that all employees within their administrative units are informed of the College's EO/AA policies, procedures, and practices.

### **2. Duties**

- a) Assist the AAO in determining hiring goals.
- b) Identify factors that may impede the college's pursuit of its EO/AA goals and objectives and strive to overcome these factors.

### **3. Accountability**

Accountability for Administrators and supervisors is in the College's organization chart.

## **D. HUMAN RESOURCES OFFICER**

In addition to the responsibilities and duties above for the Administrators/Supervisors, the Chief Human Resources Officer and Assistant Director of Human Resources is also responsible as described below for classified and unclassified positions.

### **1. Responsibilities**

Ensure that the recommendations of Deans, and other supervisors involved in the hiring process are based on job-related criteria and are consistent with the Affirmative Action goals and objectives.

### **2. Duties**

Monitor the recruitment and selection process of all classified (such as AFSCME, MAPE, and MMA) positions at the College, in accordance with Minnesota Statutes 43.18 and 179.74, Minnesota Management and Budget Personnel Rules, and applicable collective bargaining agreements

### **3. Accountability**

The Chief Human Resources Officer and Assistant Director of Human Resources are accountable to the President, Dr. Peggy Kennedy.

## **E. AFFIRMATIVE ACTION AND DIVERSITY COMMITTEE**

The President shall appoint representatives to Minnesota State Community and Technical College's Affirmative Action and Diversity Committee based upon recommendations from various constituencies. The committee, in conjunction with the EO/AAO, shall perform the following responsibilities and duties:

### **1. Responsibilities**

- a) Provide assistance in developing and preparing the Affirmative Action Plan, goals, and annual accomplishment reports.
- b) Identify and report problem areas and recommend needed corrective action.
- c) Provide leadership in implementing the educational delivery of system and College policies.
- d) Identify ways in which the College can improve results in attracting and retaining diverse employees.

### **2. Duties**

- a) Review, update, evaluate, and make recommendations concerning EO/AA programs, policies, and procedures for the College.
- b) Serve as a forum and channel for communicating EO/AA concerns to the College administration and employee population.
- c) Perform other activities as needed or as may be deemed appropriate by the Committee and/or other college personnel, or as required by the System Board or System Office.

### **3. Accountability**

Committee members are accountable to the President for their committee work.



#### **IV. DISSEMINATION OF THIS POLICY**

The following measures will be used to inform Minnesota State Community and Technical College's educational community and the public of our commitment to Affirmative Action and Equal Opportunity in all employment and educational policies, procedures, programs, services, and opportunities:

##### **INTERNAL DISSEMINATION**

1. Copies of the complete Affirmative Action Plan will be distributed to the MnSCU Board of Trustees, Minnesota Management and Budget, administration of the College, union representatives for each bargaining unit, the Affirmative Action and Diversity Committee, the Human Resources Office, each campus library, and Minnesota State Community and Technical College's website at [www.minnesota.edu/about](http://www.minnesota.edu/about). Each campus library will maintain a copy of the AA Plan that is readily accessible to students, employees, and the public.
2. Human Resources will inform all employees of options to view the Affirmative Action Plan.
3. Training on affirmative action and equal opportunity issues will be provided to managers and supervisors.
4. All recruitment brochures, job announcements and vacancy notices shall identify Minnesota State Community and Technical College as An Equal Opportunity Employer and Educator.
5. Copies of the Affirmative Action Plan will be made available to all employees and students upon request by contacting the Human Resources Office.

##### **EXTERNAL DISSEMINATION**

1. All job advertisements, vacancy notices, websites, website home pages, letterhead and other education or employment-related materials shall identify Minnesota State Community and Technical College as An Equal Opportunity Employer and Educator.
2. Minnesota State Community and Technical College will show its commitment to the recruitment, employment, promotion and retention of individuals with disabilities, women and minorities by aggressively publicizing via a variety of protected group and non-protected group media sources.
3. Copies of the Affirmative Action Plan will be made available to all interested parties. Information on Minnesota State Community and Technical College's Affirmative Action Program and Plan shall be made available to all external constituents and will be posted on the Minnesota State Community and Technical College's website at [www.minnesota.edu/about](http://www.minnesota.edu/about). Also, the Minnesota Legislative Reference Library will have an electronic copy located at [reports@lrl.leg.mn](mailto:reports@lrl.leg.mn) .

## **V. DISCRIMINATION/COMPLAINT PROCEDURES**

### **MnSCU Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education**

#### **Part 1. Policy Statement.**

**Subpart A. Equal opportunity for students and employees.** Minnesota State Colleges and Universities has an enduring commitment to enhancing Minnesota's quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. To help effectuate these goals, Minnesota State Colleges and Universities is committed to a policy of equal opportunity and nondiscrimination in employment and education.

**Subpart B. Nondiscrimination.** No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/ harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech. The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

This policy supersedes all existing system, college, and university equal opportunity and nondiscrimination policies.

## **Part 2. Definitions.**

**Subpart A. Consensual Relationship.** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. Employees who are members of the same household should also refer to Board Policy 4.10, Nepotism.

**Subpart B. Discrimination.** Discrimination means conduct that is directed at an individual because of his or her protected class and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and universities or otherwise adversely affects the individual's employment or education.

**Subpart C. Discriminatory harassment.** Discriminatory harassment means verbal or physical conduct that is directed at an individual because of his or her protected class, and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

As required by law, Minnesota State Colleges and Universities further defines sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college or university; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or
3. Such conduct has the purpose and effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

**Subpart D. Employee.** Employee means any individual employed by Minnesota State Colleges and Universities, including all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

**Subpart E. Protected Class.** For purposes of this policy:

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, membership or activity in a local human rights commission is a protected class in employment.
2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

**Subpart F. Retaliation.** Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she

- a) made a complaint under this policy;
- b) assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c) associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d) Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or stated nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

**Subpart G. Sexual harassment and violence as sexual abuse.** Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the system office and colleges and universities shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit any college or university or the system office from taking immediate action to protect victims of alleged sexual abuse. Board Policy 1B.3 Sexual Violence addresses sexual violence.

**Subpart H. Student.** For purposes of this policy, the term "student" includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university;
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are living in a college or university residence hall although not enrolled in, or employed by, the institution.

**Part 3. Consensual Relationships.** An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative,

counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

**Part 4. Retaliation.** Retaliation as defined in this policy is prohibited in the system office, colleges and universities. Any individual subject to this policy who intentionally engages in retaliation shall be subject to disciplinary or other corrective action as appropriate.

**Part 5. Policies and procedures.** The chancellor shall establish procedures to implement this policy. The equal opportunity and nondiscrimination in employment and education policy and procedures of colleges and universities shall comply with Board Policy 1B.1 and Procedure 1B.1.1.

### **1B.1.1 Report/Complaint of Discrimination/ Harassment Investigation and Resolution**

#### **Part 1. Purpose and applicability.**

**Subpart A. Purpose.** This procedure is designed to further implement Minnesota State Colleges and Universities policies relating to nondiscrimination by providing a process through which individuals alleging violation of Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity may pursue a complaint. This includes allegations of retaliation, or discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, marital status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

**Subpart B. Applicability.** This procedure shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including its students, employees, and applicants for employment, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation/reprisal. Individuals who violate this procedure shall be subject to disciplinary or other corrective action.

A single act of discrimination or harassment may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman might be based on sex, marital status, or both; discrimination against a transgender or transsexual individual might be based on sex or sexual orientation.

Not every act that may be offensive to an individual or group constitutes discrimination or harassment. Harassment includes action beyond the mere expression of views, words, symbols or thoughts that another individual finds offensive. To constitute a violation of Board Policy 1B.1, conduct must be considered sufficiently serious to deny or limit a

student's or employee's ability to participate in or benefit from the services, activities, or privileges provided by Minnesota State Colleges and Universities.

**Subpart C. Scope.** This procedure is not applicable to allegations of sexual violence. Allegations of sexual violence are handled pursuant to Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1. In addition, harassment and discrimination complaints not arising from alleged violations of Board Policy 1B.1, are to be addressed under other appropriate policies and established practices.

**Part 2. Definitions.** The definitions in Board Policy 1B.1 also apply to this procedure.

**Subpart A. Designated officer.** Designated officer means an individual designated by the president or chancellor to be primarily responsible for conducting an initial inquiry, determining whether to proceed with an investigation under this procedure, and investigating or coordinating the investigation of reports and complaints of discrimination/harassment in accordance with this procedure.

Prior to serving as the designated officer, the individual must complete investigator training provided by the System Office.

**Subpart B. Decision maker.** Decision maker means a high level administrator designated by the president or chancellor to review investigative reports, to make findings whether Board policy 1B.1 has been violated based upon the investigation, and to determine the appropriate action for the institution to take based upon the findings.

Prior to serving as a decision maker for complaints under this procedure, administrators must complete decision maker training provided by the System Office.

**Subpart C. Retaliation.** Retaliation means any action against a complainant or other individual because the individual:

1. Participated in the investigation or resolution of a complaint under this procedure;
2. Opposed conduct the individual believes was in violation of Board policy 1B.1.; or
3. Associates with another individual who is protected from discrimination under Policy 1B.1.

**Part 3. Consensual relationships.** Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity prohibits consensual relationships between an employee and a student or another employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence, whether or not both parties appear to have consented to the relationship, except as noted.

Examples of prohibited consensual relationships include, but are not limited to:

- An employee and a student if the employee is in a position to evaluate or otherwise significantly influence the student's education, employment, housing, participation in athletics, or any other college or university activity (employee includes, for example,

graduate assistants, administrators, coaches, advisors, program directors, counselors and residence life staff);

- A faculty member and a student who is enrolled in the faculty member's course, who is an advisee of the faculty member, or whose academic work is supervised or evaluated by the faculty member; and
- A supervisor and an employee under the person's supervision.

A faculty member or other employee is prohibited from undertaking a romantic or sexual relationship or permitting one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation.

If a consensual, romantic or sexual relationship exists between an employee and another individual and subsequent events create a supervisor/supervisee, faculty/student or similar relationship between them, the person with evaluative or supervisory authority is required to report the relationship to his or her supervisor so that evaluative functions can be reassigned if possible.

This procedure does not cover consensual relationships between individuals that do not require one to exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence over the other.

This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a person with whom they have a consensual relationship where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

#### **Part 4. Reporting incidents of discrimination/harassment.**

**Subpart A. Reporting an incident.** Any individual who believes she or he has been or is being subjected to conduct prohibited by Board Policy 1B.1 is encouraged to report the incident to the designated officer. The report/complaint should be brought as soon as possible after an incident occurs.

Any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is strongly encouraged to report the information or complaint to the designated officer of the System Office, college, or university.

**Subpart B. Duty to report.** Administrators and supervisors shall refer allegations of conduct that they reasonably believe may constitute discrimination or harassment under Board Policy 1B.1 to the designated officer, or in consultation with the designated officer, may inquire into and resolve such matters.

**Subpart C. Reports against a president.** A report/complaint against a president of a college or university shall be filed with the System Office. However, complaints against a president shall be processed by the college or university if the president's role in the alleged incident was limited to a decision on a recommendation made by another

administrator, such as tenure, promotion or non-renewal, and the president had no other substantial involvement in the matter.

**Subpart D. Reports against System Office employees or Board of Trustees.** For reports/complaints that involve allegations against System Office employees, the responsibilities identified in this procedure as those of the president are the responsibilities of the chancellor. Reports/complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board for processing. Such reports/complaints may be assigned to appropriate system personnel or outside investigatory assistance may be designated.

**Subpart E. False statements prohibited.** Any individual who is determined to have provided false information in filing a discrimination report/complaint or during the investigation of such a report/complaint may be subject to disciplinary or corrective action.

**Subpart F. Withdrawn complaints.** If a complainant no longer desires to pursue a complaint, the Office of the Chancellor, colleges, and universities reserve the right to investigate and take appropriate action.

**Part 5. Right to representation.** In accordance with federal law and applicable collective bargaining agreement and personnel plan language, represented employees may have the right to request and receive union representation during an investigatory meeting.

Nothing in this procedure is intended to expand, diminish or alter in any manner whatsoever any right or remedy available under a collective bargaining agreement, personnel plan or law. Any disciplinary action imposed as a result of an investigation conducted under this procedure will be processed in accordance with the applicable collective bargaining agreement or personnel plan.

**Part 6. Investigation and Resolution.** The System Office, college or university has an affirmative duty to take timely and appropriate action to stop behavior prohibited by Board Policy 1B.1, conduct investigations and take appropriate action to prevent recurring misconduct.

**Subpart A. Personal resolution.** This procedure neither prevents nor requires the use of informal resolution by an individual who believes he or she has been subject to conduct in violation of Board Policy 1B.1. In such a situation, the individual should clearly explain to the alleged offender as soon as possible after the incident that the behavior is objectionable and must stop. If the behavior does not stop or if the individual believes retaliation may result from the discussion, the individual should report to the designated officer. Under no circumstance shall an individual be required to use personal resolution to address prohibited behaviors.

**Subpart B. Information privacy.** Confidentiality of information obtained during an investigation cannot be guaranteed; such information, however, will be handled in accordance with applicable federal and state data privacy laws.

**Subpart C. Processing the complaint.** The designated officer must be contacted in order to initiate a report/complaint under this procedure. The scope of the process used in



each complaint/report shall be determined by the designated officer based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.

1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another System Office, college or university procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.
2. **Conflicts.** The designated officer should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another designated officer shall be assigned.
3. **Information provided to complainant.** At the time the report/complaint is made, the designated officer shall:
  - a) Inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
  - b) Provide a copy of or Web address for Board Policy 1B.1 and this procedure to the complainant;
  - c) Determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
  - d) Inform the complainant of the provisions of Board policy 1B.1 prohibiting retaliation.
4. **Complaint documentation.** The designated officer shall insure that the complaint is documented in writing. The designated officer may request, but not require the complainant to document the complaint in writing using the complaint form of the System Office, college or university.
5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
  - a) Provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
  - b) Provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
  - c) Explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
  - d) Determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
  - e) Inform the respondent of the provisions of Board policy 1B.1 prohibiting retaliation.
6. **Investigatory process.** The designated officer shall:
  - a) Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
  - b) Inform the witnesses and other involved individuals of the prohibition against retaliation;
  - c) Create, gather and maintain investigative documentation as appropriate;

- d) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
  - e) Handle all data in accordance with applicable federal and state privacy laws.
7. **Interim Actions.**
- a) Employee reassignment or administrative leave. Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
  - b) Student summary suspension or other action. Under appropriate circumstances, the president or designee may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.
8. **No basis to proceed.** At any point during the processing of the complaint, the designated officer may determine that there is no basis to proceed under Board Policy 1B.1. The designated officer shall refer the complaint as appropriate. The designated officer shall notify the complainant and respondent of the outcome as appropriate, in accordance with applicable data privacy laws.

**Subpart D. Resolution.** After processing the complaint the designated officer may consider one or more of the following methods to resolve the complaint as appropriate:

- 1. Conduct or coordinate education/training;
- 2. Facilitate voluntary meetings between the parties;
- 3. Recommend separation of the parties, after consultation with appropriate System Office, college or university personnel;
- 4. Other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
- 5. The System Office, college or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;
- 6. Upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

**Subpart E. Decision process.** If the above methods have not resolved the complaint within a reasonable period of time to the satisfaction of the designated officer, or the designated officer feels additional steps should be taken, the procedures in this subpart shall be followed.

1. **Designated officer.** The designated officer shall:
  - a) Prepare an investigation report and forward it to the decision maker for review and decision;
  - b) Take additional investigative measures as requested by the decision maker; and
  - c) Be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.
2. **Decision maker.** After receiving the investigation report prepared by the designated officer, the decision maker shall:
  - a) Determine whether additional steps should be taken prior to making the decision. Additional steps may include:
    - 1) a request that the designated officer conduct further investigative measures;
    - 2) a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
    - 3) a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
  - b) Take other measures deemed necessary to determine whether a violation of Policy 1B.1 has been established;
  - c) When making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
  - d) Determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
  - e) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board policy 1B.1 has been violated. The written response to the complainant shall be provided within 60 days after a complaint is made unless reasonable cause for delay exists.
  - f) Conduct that is determined not to have violated Board policy 1B.1 shall be referred to another procedure for further action, if appropriate.

**Part 7. System Office, college, or university action.** The System Office, college, or university shall take the appropriate corrective action based on results of the investigation, and the

designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board policy 1B1.1, as well as allegations of retaliation.

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the System Office, college or university. In accordance with state law, the System Office, college or university is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Minnesota Management and Budget 30 days of final disposition.

## **Part 8. Appeal.**

**Subpart A. Filing an appeal.** The complainant or the respondent may appeal the decision of the decision maker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was improper. In a complaint against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decision maker.

**Subpart B. Effect of review.** For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes Chapter 14.

**Subpart C. Appeal process.** The president or designee shall review the record and determine whether to affirm or modify the decision. The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal shall be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

**Part 9. Education and training.** The System Office, colleges and universities shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, and informational resources. Education and training programs should include education about Board policy 1B.1 and this procedure. All colleges and universities and the System Office shall promote awareness of Board policy 1B.1 and this procedure, and shall publicly identify the designated officer.

**Part 10. Distribution of Board policy 1B.1 and this procedure.** Information regarding Board Policy 1B.1 and this procedure shall, at a minimum, be distributed to students at the time of

registration and to employees at the beginning of employment. Distribution may be accomplished by posting on an internet website, provided all students and employees are directly notified of how to access the policy and procedure by an exact address, and that they may request a paper copy. Copies of the policy and procedure shall be conspicuously posted at appropriate locations at the System Office and on college and university campuses at all times and shall include the designated officers' names, locations and telephone numbers.

Designated officers also must be identified by name, location and phone number in informational publications such as student catalogs, student and employee handbooks, bulletin boards, campus websites and other appropriate public announcements.

**Part 11. Maintenance of report/complaint procedure documentation.** During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location in the office of the designated officer for the System Office, college or university in accordance with the applicable records retention schedule. Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

**Persons currently holding the positions named in the aforementioned policies are:**

**Decision Making Authority**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>▪ <b>Fergus Falls Campus</b><br/>1414 College Way<br/>Fergus Falls, MN 56537<br/>218-736-1503</li></ul>                                    | <p><b>Peggy Kennedy</b><br/>President</p>                        |
| <ul style="list-style-type: none"><li>▪ <b>College Service Center</b><br/>150 2<sup>nd</sup> Street SW, Suite B<br/>P.O. Box 309<br/>Perham, MN 56573<br/>218-347-6209</li></ul> | <p><b>Pat Nordick</b><br/>Chief Financial Officer</p>            |
| <ul style="list-style-type: none"><li>▪ <b>Wadena Campus</b><br/>405 S.W. Colfax<br/>PO Box 566<br/>Wadena, MN 56482<br/>(218) 631-7810</li></ul>                                | <p><b>Peter Wielinski</b><br/>Chief Student Services Officer</p> |
| <ul style="list-style-type: none"><li>▪ <b>Moorhead Campus</b><br/>1900 28<sup>th</sup> Avenue South<br/>Moorhead, MN 56560<br/>(218) 299-6564</li></ul>                         | <p><b>Kathy Brock</b><br/>Chief Academic Officer</p>             |

**Designated Officer(s):**

- Shawn Anderson  
Dean for Student Success/Senior Dean  
218-299-6535
- Gary Henrickson  
Dean of Academic Affairs/Senior Dean, Fergus Falls  
218-736-1506
- Dacia Johnson  
Chief Human Resources Officer  
218-736-1512
- Doug Andring  
Assistant Director of Human Resources and EO/AAO  
218-299-6870
- Monty Johnson  
Dean of Academic Affairs/Senior Dean, Wadena campus  
218-631-7812
- Jill Abbott  
Dean of eCampus/Senior Dean, Perham  
218-846-3796
- Scott Ebsen  
Director of Student Services, Moorhead Campus  
218-299-6583
- Anthony Schaffhauser  
Dean of Student Access  
218-736-1528
- Nancy South  
Director of Student Services, Fergus Falls Campus  
218-736-1530
- Christian Breczinski  
Director of Student Services, Wadena Campus  
218-631-7832
- Karen Buboltz  
Director of Student Services, Detroit Lakes Campus  
218-846-3714

- Holly Doyle  
Director of Student Services, eCampus  
218-631-7936

Nothing in this Plan shall preclude an individual from filing a complaint with any or all of the following agencies at any time:

**Minnesota Department of Human Rights**

Freeman Building  
625 Robert Street North  
St. Paul, MN 55155  
Phone: 612- 296-5663  
TTY: 651-296-1283  
Toll Free: 1-800-657-3704  
Fax: 651-296-9042

**Director of Civil Rights, ED**

300 S. Wacker Dr., 8<sup>th</sup> Fl.  
Chicago, IL 60606  
(312) 353-2520

**Equal Employment Opportunity Commission (Minneapolis Area Office)**

Towle Building  
330 South Second Avenue, Suite 720  
Minneapolis, MN 55401-2224  
Phone: 1-800-669-4000  
Fax: 612-335-4044  
TTY: 1-800-669-6820  
Director: Julie Schmid (Acting)  
Regional Attorney: John C. Hendrickson  
Office Hours: The Minneapolis Area Office is open Monday-Friday from 8:00 a.m. to 4:30 p.m.  
Please call first to obtain information. Se habla espanol.

**Minnesota State Community and Technical College**  
**EMPLOYEE/STUDENT DISCRIMINATION/HARASSMENT**  
**COMPLAINT FORM**

**Please Read Before Completion of Form**

Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and appropriate personnel.

Date: \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Student ☐ YES ☐ NO

Employee ☐ YES ☐ NO Title \_\_\_\_\_

Office phone (\_\_\_\_) \_\_\_\_\_ Home phone (\_\_\_\_) \_\_\_\_\_

Supervisor \_\_\_\_\_

I, \_\_\_\_\_ have been personally aggrieved (troubled) by:  
(complainant)

\_\_\_\_\_  
(name of person)

Basis of Complaint (check all that apply):

- |                                |                                 |   |   |
|--------------------------------|---------------------------------|---|---|
| <input type="checkbox"/> Sex   | <input type="checkbox"/> Race   | <input type="checkbox"/> Religion       | <input type="checkbox"/> Sexual Orientation                                     |
| <input type="checkbox"/> Color | <input type="checkbox"/> Creed  | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Status with regard to Public Assistance                |
| <input type="checkbox"/> Age   | <input type="checkbox"/> Origin | <input type="checkbox"/> Disability     | <input type="checkbox"/> Membership/Activity in a local Human Rights Commission |

Date of incident: \_\_\_\_\_

Please describe the incident, or culminating incident, that you wish to report. In addition to this you may want to suggest other incidents that preceded it that bear on the same issue/problem:

Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## **VI. 2012 - 2014 EMPLOYMENT GOALS**

The College's overall affirmative action goal is to improve areas of employment for various groups that are underutilized at the College. In order to achieve these goals, each new hiring opportunity will be viewed as an affirmative action opportunity, and therefore, all hiring teams are expected to make a special effort to recruit applicants where underutilization has been identified. The areas below identify the affirmative action hiring goals and the anticipated timelines to fulfill these goals.

### **Affirmative Action Employment Goals**

The College will proactively seek to recruit, interview, hire and retain employees from protected classes. Specifically, the College will strive to increase the percentage of protected class employees to meet the number suggested by the available pool, as defined by the 2010 United States Census, in the following job groups:

#### Women

- To increase to 43.6% the number of women employed in Service Maintenance
- To increase to 38.8% the number of women employed in Officials and Administrators

#### Minorities

- To increase to 17.8% the number of minorities in Officials and Administrators
- To increase to 20.0% the number of minorities in Professional – Faculty
- To increase to 8.0% the number of minorities in Professional – Non-faculty
- To increase to 6.8% the number of minorities in Technicians/Paraprofessionals
- To increase to 8.2% the number of minorities in Office/Clerical
- To increase to 14.3% the number of minorities in Service Maintenance

#### Disabilities

- To increase to 11.31% the number of people with a disability in Officials and Administrators
- To increase to 10.88% the number of people with a disability in Professional – Faculty and Non-Faculty
- To increase to 11.52% the number of people with a disability in Technicians/Paraprofessionals
- To increase to 11.56% the number of people with a disability in Office/Clerical
- To increase to 11.37% the number of people with a disability in Service Maintenance

## **VII. PROGRAM OBJECTIVES**

### **Enhance Recruitment Efforts**

#### Action Steps:

- ☐ The AAO/ Human Resources department will advocate with search committees to review recruitment and hiring guidelines, hiring goals, and answer questions.
- ☐ Provide feedback to the President, President's Cabinet and others having responsibility for searches regarding the status of hiring goal accomplishment.
- ☐ Examine and evaluate recruitment and hiring guidelines in order to support the College's commitment to affirmative action and to aid search committees and administrators in identifying and selecting qualified candidates for positions, including women, minorities and persons with disabilities.
- ☐ Recruit in publications that will reach protected groups, including but not limited to the following: Black Issues in Higher Education, Hispanic Outlook, Tribal College Journal of American Indians in Higher Education, Higher Education Recruitment Consortium, Women's Press, HigherEdJobs.com, Minnesota Management and Budget Diversity email List, and in the Chronicle of Higher Education. Recruit utilizing appropriate websites. Place a renewed emphasis on publications that address people with disabilities.
- ☐ Send job openings to regional university multicultural/diversity offices, including but not limited to Women's and African American Colleges.
- ☐ Support MnSCU Systemwide Strategic Diversity Plan, Goal 2.2, for the purposes of job postings.
- ☐ AAO/Human Resources will research trends and provide feedback to appropriate administrators, supervisors, and search committees for successful recruitment of disparate groups.

Assignment responsibility: Coordinated effort between several persons or groups including, but not limited to the President, President's Cabinet, AAO, Chief Human Resources Officer, Search Committee Chairs, and the college wide Affirmative Action and Diversity Committee.

Timelines: Will continue to be implemented during the 2-year AAP period. Action steps will be ongoing.

Evaluation: Records will be maintained to determine accomplishments reflecting the number of hiring goals met, effective recruitment efforts, and needs.

### **Enhance Retention Efforts**

#### Action steps:

- ☐ Performance reviews will be completed in a timely manner and consistent with requirements found in the applicable collective bargaining agreements.
- ☐ Distribute a notice to all employees annually regarding the college's commitment to providing a campus environment that is free of discrimination, harassment, and violence, focusing on but not limited to the following avenues: All staff meetings, college-wide leadership meetings, faculty duty days, college-wide e-mail distribution, and new employee orientation materials. The notice will include information regarding the Nondiscrimination policy and complaint procedure, MnSCU Board Policy 1B.1 and Procedure 1B.1.1.
- ☐ Notify all employees annually of the procedure for requesting and providing reasonable accommodations.
- ☐ Provide information about the Employee Assistance Program, including available services for employees and work-related concerns.

- ☐ Develop a comprehensive orientation program for new employees, exploring mentoring and peer support groups.
- ☐ Support MnSCU Systemwide Strategic Diversity Plan, Goal 2.2.

Assignment responsibility: Coordinated effort between several persons or groups including, but not limited to the President, President's Cabinet, AAO, Chief Human Resources Officer, Search Committee Chairs, and the college wide Affirmative Action and Diversity Committee

Timelines: Will continue to be implemented during the 2-year AAP period. Action steps will be ongoing.

Evaluation: Records of actions will be maintained.

### **Provide a Working and Educational Environment that Promotes and Welcomes Diversity**

Action steps:

- ☐ In partnership with the college wide Affirmative Action and Diversity Committee, plan and implement specific activities designed to increase awareness regarding specific protected classes.
  - Each campus will publicize and make available for the campus community the annual MnSCU videoconference exploring diversity issues.
  - At least one time per year, an administrative duty day will include programming regarding diversity education.
  - Explore grant opportunities to provide diversity education to employees.
- ☐ Explore informal diversity education opportunities with the College community (i.e.: brown bag lunches, book clubs, campus based diversity task forces, etc.).
- ☐ Address the physical plant concerns which have arisen from OCR reviews. Provide recommendations for the college facility plan for implementation.

Assignment responsibility: Coordinated effort between several persons or groups including, but not limited to the President, President's Cabinet, AAO, Director of Human Resources, Search Committee Chairs, and the college wide Affirmative Action and Diversity Committee

Timelines: Will continue to implement during the 2-year AAP period. Action step will be ongoing.

Evaluation: Records of actions will be maintained on a college and campus based level, with campus based records to be submitted to the AAO.

## VIII. PRE-HIRE REVIEW PROCESS

State law governing affirmative action programs requires the College to establish methods of auditing, evaluating and reporting program success. This includes a procedure for pre-employment review of all hiring decisions for units where underutilization currently exists. When such a vacancy occurs, the procedure below will be followed **before** an offer of employment is made:

**Purpose of Process:** To notify employees/interested parties of the vacant positions, screen candidates for final recommendation in a consistent manner, and to provide a guide for interview teams.

- A. Human Resources consults with supervisor of position to be filled to:
  - 1. Explain the hiring process
  - 2. Review timelines
  - 3. Review bargaining unit specifications relative to the position, for layoffs and internal/external postings
  - 4. Gain administrative approval to fill the vacancy
- B. Supervisor and search committee establishes criteria:
  - 1. Supervisor establishes team and serves as the committee chair
  - 2. Supervisor and Human Resources establish a schedule for the search, including but not limited to: interview dates, times, and locations
  - 3. Supervisor reviews the position description and revises as needed
  - 4. Supervisor and search committee develop screening tool and interview questions  
**--Supervisor submits information on team members and interview information to EO/AAO for review**
  - 5. The EO/AAO or the Chief Human Resources Officer meets with the search committee to review the position description, vacancy notice, appropriate affirmative action data (availability, whether or not underutilization exists), outlines the search process and confidentiality parameters as governed by the Minnesota Government Data Practices Act.
- C. Human Resources posts the vacancy notice in appropriate publications. Human Resources and the search committee develop a plan of recruitment sources and activities.  
**--Closing date must follow the contractual guidelines, respective to the collective bargaining agreement in which the vacancy exists.**
- D. Team screens all applicants to determine those qualified for the position.  
**--Supervisor submits information to EO/AAO for review**
- E. Human Resources contacts applicants to set up interviews. In the search schedule noted above, it is intended that applicants will be notified at least one week prior to interview.
- F. Team conducts interviews
  - 1. Each applicant for an instructional position will prepare and present an approximately 15-minute teaching demonstration
  - 2. Compensation and benefit information is furnished to applicant by the Human Resources office
- G. Supervisor or Human Resources conduct reference checks
- H. **EO/AAO conducts final overview of process. The Monitoring the Hiring Process form will be completed for each vacancy where an underutilization exists.**

- I. Supervisor submits all paperwork involved with hiring to Human Resources for non-finalists.
- J. Supervisor makes hiring recommendation and forwards files of recommended applicants to appropriate Administrator.
- K. Appropriate Administrator selects applicant he/she wishes to make offer to.
- L. Appropriate Administrator confers with Human Resources on salary/benefits and reviews relevant budget implications.

### **Detailed Information on the Pre-Hire Process**

1. An interview team should be comprised of minorities, other underrepresented groups, and various bargaining unit affiliates. The interview chair will work with Human Resources and/or the appropriate Administrator to determine team members (5-7 on the average). The EO/AAO will approve the composition of the team. Interview teams will be encouraged but are not mandatory, especially if the proposed vacancy is clearly part-time or of short duration.
2. The role of the interview team is to be a partner with the administration in filling the vacancy. Tasks will include a review of the position description, creation of the interview questions, the screening and selection of candidates, and the evaluation of candidates. The team should determine the distribution of tasks to be performed so the entire process becomes a shared responsibility.
3. The search committee chair, the supervisor for the position to be filled, in cooperation with the appropriate supervisor and the Chief Human Resources Officer and/or EO/AAO, develops a plan of recruitment sources and activities, drafts of advertisements, vacancy notice, interview questions, and evaluation forms, and then forwards this information to the EO/AAO for approval.
4. The EO/AAO examines the initial applicant pool for its composition of women, minorities, and candidates with disabilities. When this review is completed, the AAO/EEO approves or disapproves the pool of candidates.
5. When underutilization exists, it is imperative that protected class candidates are included at every stage of the application process. If a protected group member is not selected, no job offer can be made to any other candidate until approval is received from the EO/AAO. The supervisor has the responsibility for providing rationale for the selection/hire of the recommended candidate or a rationale for not selecting/hiring all other candidates within the pool interviewed.
6. The EO/AAO reviews the rationale and either approves or denies the justification. The EO/AAO notifies the supervisor or interview team of the decision. If the rationale is denied, the EO/AAO notifies the appropriate administrator of the determination and indicates what remedial action is recommended. The appropriate administrator will make the determination; the President would serve as the final decision maker if agreement cannot be reached.

7. At any stage of the process, the EO/AAO may request that the President or designee extend and/or close the search if the pool of under-represented group candidates is not satisfactory.

### **Pre-Review Procedure for Layoff Decisions**

The College will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the EO/AAO to evaluate their effect on the College's affirmative action program.

### **Methods of Auditing, Evaluating, Reporting Program Success**

1. Minnesota Management and Budget will review and approve the Affirmative Action Plan for the College.
2. The EO/AAO at the College will monitor the employment procedures to evaluate progress and ensure that the nondiscriminatory policy is carried out.
3. Affirmative Action goals and objectives are reviewed and recorded at each Affirmative Action committee meeting and are therefore recorded in the meeting minutes.
4. Consultation with Chief Human Resources Officer and/or the EO/AAO may be necessary prior to the hiring phase if a disparity of protected classes exists in the hiring unit. In addition, consultation with the Chief Human Resources Officer and/or the EO/AAO may be necessary prior to layoff decisions to determine their impact on the College's Affirmative Action Plan goals and timetables.

## **IX. WEATHER EMERGENCIES AND EVACUATION**

### **MnSCU System Procedures: WEATHER/EMERGENCY CLOSINGS**

Statutory Authority: Section 22. Minnesota Statutes 1994, section 43A.05, subdivision 4, is amended to read:

Subd. 4. [TIME OFF IN EMERGENCIES] The commissioner shall authorize appointing authorities to pay for time off in emergencies. The commissioner, after consultation with the commissioner of public safety, may excuse employees from duty with full pay in the event of a natural or other emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the commissioner authorizes a longer duration. Authority to excuse employees from duty with full pay on the campuses of the Minnesota State Colleges and Universities is vested in the college and university presidents, under guidelines established by the board of trustees of the Minnesota State Colleges and Universities.

#### **[CANCELLATION OF CLASSES AS DISTINGUISHED FROM CAMPUS CLOSURE]**

The authority of the college president to cancel classes due to weather conditions continues as part of the authority of the president. Cancellation of classes does not excuse any employee from work. Employees of the college, including faculty, may take personal leave, vacation leave or use compensatory time when classes are canceled and they choose to be absent from work.

### **MnSCU SYSTEM PROCEDURES: WEATHER/EMERGENCY CLOSINGS**

1. The authority to close college or university campuses when weather or other emergency exists resides with the president or the president's designee. The closure of State agencies by the commissioner of Minnesota Management and Budget does not apply to MnSCU institutions.
2. The college or university president shall develop written procedures that will be used to determine when weather conditions constitute a threat to the health and safety of college or university employees and students.



## COLLEGE PROCEDURES

The authority to close campuses is vested to the following positions in priority order: (1) Campus Senior Dean or administrator designee, (2) Campus Facilities Services Supervisor, (3) President, with 1 being the highest priority. The assessment of the weather and travel conditions will include, but not be limited to temperature, wind, precipitation and road conditions.

1. When the decision to close a campus has been made, the respective campus closing call list will be activated. When calling the closure announcement into the station it is important that the caller indicate the name of the city where the campus is located instead of just indicating: "Minnesota State Community and Technical College," as many students commute, and other campuses may remain open.
2. The administrator closing a campus will clearly identify: (1) time of the closing, (2) date, and (3) hour when employees are excused from work, and an estimate of when the facility will reopen. This information will be sent to the President's office. A decision must be made and announced by 3:00 p.m., when possible, when closing evening classes. The President will provide all closure information to the MnSCU Chancellor.
3. In the event of a campus closing, the call center designee will leave a recorded message for the public indicating the date and time of the closing and when the campus anticipates reopening. The website will be updated and the STAR Alert system will be activated to inform students and employees of closures and subsequent openings.
4. When a campus closing is declared, college employees are excused from work with pay. A campus closure applies to all employees without regard to labor contract. Weather emergency essential designated employees or other emergency essential designated employees who are not excused from work will be paid at their regular rate of pay.
5. The following essential designated employee positions may or may not be excused from work during weather emergency situations: (1) president or designee; (2) academic and/or student services deans; (3) business managers; (4) building and grounds supervisors. The decision to excuse the above named employees will be made by the president or designee, or campus administration on a campus-by-campus basis based upon the needs of the individual campus.
6. Some examples of other emergency closure situations are: (1) air pollution, (2) bomb threat, (3) fire or explosion, (4) flood, (5) hostage situation, (6) lightening, (7) loss or interruption of public utilities, and (8) contract disputes.
7. The following essential designated employee positions are not excused from work during emergencies other than those which are due to weather situations: (1) president or designee, (2) deans, (3) business managers, and (4) building and grounds supervisors. The President may modify this group based upon the prevailing emergency conditions.
8. Campus announcements for internal use may use the public address systems at Fergus Falls, Moorhead, and Wadena (Detroit Lakes does not have this system). Other announcement options are: (1) portable hand-held speakers, (2) room-by-room personal announcements, (3)

internal electronic signs, (4) closed-circuit television, (5) hard-copy handouts, and (6) STAR Alert system. The campus Senior Dean will need to design, and keep current, plans to inform and/or evacuate specific employees and students with disabilities during emergency times.

9. MnSCU colleges and campuses are subject to a Governor's executive order to change the work schedule or adjust the leave rules of executive branch employees in the cases of natural disasters or other emergencies. If the governor issues an executive order to close a campus, the affected MnSCU campus must comply with the order. However, MnSCU campuses are not subject to the Commissioner of the Minnesota Management and Budget (MMB) orders to close a campus. In summary, MnSCU presidents have authority that supersedes MMB, and the Governor's authority supersedes the MnSCU president's as it relates to emergency MnSCU building closings.

## EVACUATION PROCEDURES

It is imperative that staff and the public are protected in case of emergency and that evacuation be carried out in a safe yet timely manner. Common sense should dictate the reaction of college authorities to emergency situations. All situations cannot be neatly defined into a category for which hard and fast guidelines can be drawn. Individual judgment will need to be exercised in given situations. Continuing and meaningful efforts to prevent incidents that lead to emergency situations should be the area of greatest concern. Emergency procedures are designed to provide guidance to those having responsibility for the safety of staff, students and the public.

The College includes four separate campus locations. There is also a separate College Service Center. Each College campus and the College Service Center in Perham, have Emergency Procedures Plan for their specific location. These plans include procedures for weather related emergencies, bomb threats, utility emergency, fire, and disturbance/demonstration. When an emergency situation is declared and evacuation is necessary at any College campus or at the College Service Center, evacuation shall proceed in accordance with the Emergency Procedure Plan in place for each location.

Notification and evacuation of students and employees with visual, hearing or mobility impairments shall follow procedures outlined in the document entitled "Emergency Evacuation Procedures for Individuals with Disabilities".

Evacuation routes are posted at the following locations at each campus location:

Detroit Lakes:	At building entrances/exits and within hallways at various locations throughout the campus.
Fergus Falls:	In each classroom near the entrance/exit door, and on bulletin boards within hallways and other locations throughout campus.
Moorhead:	At each entrance to classrooms and at entrance exit doors
Wadena Campus:	At building entrances/exits and within hallways at various locations throughout the campus.
Perham Service Center:	At each entrance door.

Copies of Emergency Procedure Plans shall be available to all employees and are available in the Senior Dean's office for each campus, at the campus Library and with the Building Supervisor. All Emergency Procedure Plans contain emergency telephone numbers for local fire departments, law enforcement offices, ambulance services, and hospitals. In addition the names and telephone numbers of administrative personnel and/or chain of command are provided.

The Senior Dean on duty at the time of the evacuation shall, in consultation with emergency personnel, determine if and when the campus facility may be re-entered following an evacuation. Until an "all clear" is declared no one should attempt re-entry.

## **EMERGENCY EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES**

In order to provide special accommodation assistance for individuals with disabilities during “Weather Emergencies and Evacuations,” the following persons on each of the respective campuses shall be contacted:

Detroit Lakes:	Tom Whelihan, Campus Academic/Senior Dean and Sarah Carter, Academic Advisor and Learning Services Coordinator
Fergus Falls:	Gary Henrikson, Campus Academic/Senior Dean and Jon Kragness, Director, Center for Students with Disabilities,
Moorhead:	Shawn Anderson, Campus Senior Dean, and Claudia Simon, Director of Transition Programs.
Wadena:	Monty Johnson, Campus Academic/Senior Dean, and Mike Heino, Learning Services Coordinator
Perham Service Center:	Pat Nordick, CFO, and Janice Carpenter, Administrative Assistant

At the beginning of each academic year every instructor shall advise students with hearing, visual or mobility disabilities, within their respective classrooms, lab or shop areas, of evacuation procedures for their campus.

If an emergency situation arises during classroom instruction students who may be unable to hear or see an emergency alarm/announcement because of a hearing or visual disability, will be informed of the emergency by their classroom instructor. If the emergency arises during a work-study job assignment, their immediate supervisor will advise the student. If evacuation of the building is ordered, the instructor, or his/her designee, shall accompany the student out of the building via established evacuation routes posted for each area of the building. If more than one student with hearing, visual or mobility disability occupies the classroom the instructor shall designate another non-disabled student to accompany the disabled student. Moving individuals in wheelchairs using the stairway is not recommended. Individuals should not be left alone when seeking assistance during evacuation. The persons shall be moved as a group from the building or to a designated safe haven where emergency personnel will remove them.

Each Senior Dean or designee shall have the responsibility of informing all employees of Emergency and Evacuation procedures for their campus. This information may be disseminated during mandatory in-service meetings, at individual campus staff meetings or, for new employees, at new employee orientation meetings.

The campus Senior Dean and other campus supervisors are in the best position to know the identity and work station of each employee who has a hearing, visual or mobility disability. If an emergency situation arises on campus the Senior Dean or their pre-appointed designee, shall have the responsibility to advise visually impaired or hearing deficient personnel of the

emergency. If evacuation of the building becomes necessary, employees with a visual or mobility disability shall be accompanied by at least one non-disabled employee from the building via posted emergency exits. The campus Senior Dean shall appoint non-disabled employees with workstations in the vicinity to accompany the disabled employee from the building.

During emergencies individuals should avoid windows, doorways or other areas where glass may shatter. Auditoriums and gymnasiums with spanned roofs should also be avoided.

It shall be the decision of the campus Senior Dean or designee, along with the aid and assistance of responding emergency personnel, to determine when the building may be re-entered or campus operations resumed following evacuation.

**STORM WARNING INFORMATION**

<b>STATION</b>	<b>PHONE</b>	<b>STATION</b>	<b>PHONE</b>
KDLM 1340 AM	218-847-5624	Lakes Radio 1020 AM	218-736-7596
KBOT 104.1 FM	218-847-5624	Lakes Radio 96.5 FM	218- 736-7596
KRCQ 102.3 FM	218-847-2001	KPRW 99.5 FM	218-736-7596
KPRW 99.5 FM	218-346-4800	KWAD 920 AM	800-733-5923
KBRF 1250 AM	218-736-7596	KWD 920 AM	800-733-5923
Z103 103.3 FM	218-736-7596	KKWS 105.9 FM	800-733-5923
KPRM 870 AM	218-732-3306	KDKK 97.5 FM	218-732-3306
KXKK 92.5 FM	218-732-3306	KRJM 101.5	218-935-5355
WDAY 970 AM	701-237-5500	Lite Rock 105.1 FM	701-237-5500
Fox 107.9 FM	701-237-4500	Q98- 98.7 FM	701-237-4500
Froggy 99.9 FM	701-237-5500	KQWB Star 1660 AM	701-237-5500
Y94- 93.7 FM	701-237-5346	KRVI 94.1 FM	701-237-4837
KFAB 92.7 FM	701-237-5346	KFGO 790 AM	701-237-5346
KFAB 92.7 FM	701-237-5346	KKBX 101.9 FM	701-237-4837
KVOX 99.9 AM	701-237-5346	WDAY TV	701-237-6500
KCCD 90.3 AM	218-299-3666	KXJB TV	701-282-0444
KCCM 91.1	218-299-3666	KVLY TV	701-237-5211

**ADMINISTRATION ACTION:****CLOSING OFFICES**

1. Perham Service Center Calling Tree will be initiated.
2. Star Alert System will go out.
3. Employees are encouraged to check the College Website [www.minnesota.edu](http://www.minnesota.edu) and check the calendar on the Intranet for closures.

Students and Staff are reminded to exercise good judgment and not travel when inclement weather is forecasted, even if the campus does not close.

**DETROIT LAKES**  
(Becker County)

**STORM WARNING INFORMATION**

<b>STATION</b>	<b>PHONE</b>	<b>TELEVISION</b>	<b>PHONE</b>
Z103 – 103.3 FM	(218) 736-7596	WDAY-TV	(701) 237-6500
KBOT/Lakes Country 104.1 FM	(218) 847-5624	KVLY-TV	(701) 237-5211
KDLM/Wild Country 1340 AM	(218) 847-5624	KXJB-TV	(701) 282-0444
KJJK-1020 AM/96.5 FM	(218) 739-7596		
KWAD – 920 AM	(218) 631-1803		
KRCQ – 102.3 FM	(218) 847-2001		
KCCM - 91.1 FM	(218) 299-3666		

**WEATHER CONDITIONS INFORMATION DIRECTORY**

<b>NAME</b>	<b>LOCATION</b>	<b>PHONE</b>
State Highway Patrol Offices	1000 Highway 10	(218) 847-1584
MN Dept. of Transportation	1000 Highway 10	(218) 846-3600
County Law Enforcement	Sheriff, Court House	(218) 847-2661
County Highway Maintenance	200 East State Street	(218) 847-7516
City Law Enforcement	10 East Holmes	(218) 847-4222
City Street Maintenance	1025 Roosevelt Avenue	(218) 846-7240

**FERGUS FALLS**  
(Ottertail County)

**STORM WARNING INFORMATION**

<b>STATION</b>	<b>PHONE</b>	<b>TELEVISION</b>	<b>PHONE</b>
KBRF 1250 AM KZCR Z-103.3 FM KJJK 1020 AM/96.5 FM	(218) 736-7596	KSAX/KSTP Channel 5	1-888-707-7669
KPRW 99.5 FM	(218) 346-7596	KXJB/KVLY Channel 4/11	(701) 237-5211 or 1-800-450-5844
KXRA 1490 AM/92.3 FM	(320) 763-3131	WDAY Channel 6	(701) 237-6500 (701) 241-5302
KDLM 1340 AM KBOT 104.1 FM	1-800-545-1041 218-847-5624 218-847-5421	WCCO TV: Channel 7 Radio: 830 AM	612-330-2655
KFGO 790 AM	(701) 237-5346		
KMRS 1230 AM KKOK 95.7 FM	(320) 589-3131		
K106 Superstation KWAD AM/ KKWS FM	(218) 631-1803 or 1-800-733-5923		
KBMW 1450 AM KGWB 107 FM	(701) 642-8747		

**WEATHER CONDITIONS INFORMATION DIRECTORY**

<b>NAME</b>	<b>LOCATION</b>	<b>PHONE</b>
State Highway Patrol Offices	Detroit Lakes	(218) 847-1584
MN Dept. of Transportation	Statewide Road Conditions	(800) 542-0220
County Law Enforcement	417 S Court St, Fergus Falls	(218) 998-8555
County Highway Maint.	419 S Court St, Fergus Falls	(218) 998-8470
City Law Enforcement	Court and Junius, Fergus Falls	(218) 736-5438
City Street Maintenance	112 W Washington Ave, Fergus Falls	(218) 739-0135



**MOORHEAD**  
(Clay County)

**STORM WARNING INFORMATION**

<b>RADIO STATION</b>	<b>PHONE</b>	<b>TELEVISION</b>	<b>PHONE</b>
KLTA	(701) 237-4500	KVLY-TV	(701) 237-5211
KFGO,KVOX	(701) 237-5346	KXJB-TV	(701) 282-0444
		WDAY-TV	(701) 237-6500

**WEATHER CONDITIONS INFORMATION DIRECTORY**

<b>NAME</b>	<b>LOCATION</b>	<b>PHONE</b>
State Highway Patrol Offices	1000 Hwy 10, Detroit Lakes	(218) 236-2866
MN Dept. of Transportation	Statewide Road Conditions	(800) 542-0220
County Law Enforcement	915 9 Avenue North, Moorhead	(218) 299-5151
County Highway Maint.	1300 15 Avenue North, Moorhead	(218) 299-5099
City Law Enforcement	915 9 Avenue North, Moorhead	(218) 299-5120
City Street Maintenance	700 15 Avenue North, Moorhead	(218) 299-5422

### STORM WARNING INFORMATION

RADIO STATION	PHONE	TELEVISION	PHONE
KSKK 94.7 FM FM-Z103.3, KPRW 99.5 KBRF/KZCR KJJK 96.5 KBOT/Lakes Country 104.1 KDLM	(218) 631-3441  218-736-7596 218-847-5624 218-847-5421	KVLY/KXJB-TV  KSAX/KSTP  WCCO	(701) 237-5211 (800) 450-5488 (701) 282-0444  (651) 642-4446  (612) 330-2655
KDKK/KPRM 97.5 FM  KLIZ 107.5  K-106/KWAD  KRCQ 102.3 FM  KCCM 91.1  KCLD  WYRQ, KLTF, & KFML - Little Falls  KSKK 94.7 FM	218-732-3306 218-828-1244 8-5 pm 218-829-1075 after 5 218-631-1803 800-733-5923  218-847-2001  218-287-0666  320-251-1450 (320) 632-5414 or (320) 632-2992 weather line 320-632-3844  (218) 631-3441		

### WEATHER CONDITIONS INFORMATION DIRECTORY

NAME	LOCATION	PHONE
U.S. Weather Service (Grand Forks)	<a href="http://www.nws.noaa.gov/">http://www.nws.noaa.gov/</a>	(701) 795-5127
Traveling Road Report	<a href="http://www.511mn.org">www.511mn.org</a>	
State Highway Patrol Office	1000 W. Hwy 10 Detroit Lakes	(218) 847-1584
MN Dept. of Transportation	420 Industrial Park Rd, Park Rapids, MN	(218) 732-3200
County Highway Maint.	221 Harry & Rich Drive, Wadena	(218) 631-7636
County Law Enforcement	Sheriff, Court House	(218) 631-7600
City Law Enforcement	121 Colfax Avenue – Wadena	(218) 631-7701
City Street Maintenance	Superintendent's Office – Wadena	(218) 631-7705
Virginia Dahlstrom	WDC Schools (218) 639-1115 Cell	(218) 632-2155

## **X. REASONABLE ACCOMMODATIONS**

The College is committed to fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the College to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. When determining undue hardship, the following factors will be considered:

1. The nature and net cost of the accommodation needed;
2. The overall financial resources of the employer involved in the provision of the reasonable accommodation, the number of persons employed, and the effect on expenses and resources;
3. The overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type and location of its facilities;
4. The type of operation or operations of the employer, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the employer in question to the covered entity; and
5. The impact of the accommodation upon the operation of the employer, including the impact on the ability of other employees to perform their duties and the impact on the employer's ability to conduct business.

In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Qualified applicants and employees with disabilities will receive reasonable accommodations as determined by Section 1B.01 of MnSCU policy.

The allocation of resources for reasonable accommodations is ultimately the responsibility of the College President and the Chancellor for MnSCU. Funding must be approved by the College for accommodations that do not cause an undue hardship (M.S. 43A. 191 (c)).

Employees requesting reasonable accommodations that are directly related to performing their job will make such requests to their supervisor or the EO/AAO as outlined in the following Procedure for Requesting Accommodations. Students requesting reasonable accommodations that are directly related to their coursework will make their requests to the Senior Dean, or the campus Learning Services Coordinator (ADA Coordinator for students). The following list identifies individuals to contact on each campus:

### **Detroit Lakes Campus.....(218) 846-3700**

- Tom Whelihan, Campus Academic/Senior Dean
- Sarah Carter, Learning Services Coordinator and Academic Advisor

**Fergus Falls Campus.....(218) 736-1500**

- Gary Henrickson, Campus Academic/Senior Dean
- Jon Kragness, Director, Center for Students with Disabilities

**Moorhead Campus.....(218) 299-6500**

- Shawn Anderson, Dean of Student Success/Campus Senior Dean
- Claudia Simon, Director of Transition Programs and ADA Coordinator

**Wadena Campus.....(218) 631-7800**

- Monty Johnson, Campus Academic/Senior Dean
- Mike Heino, Learning Services Coordinator and ADA Coordinator

**Perham Service Center.....(218) 347-6982**

- Pat Nordick, Chief Financial Officer

### **JOB APPLICANT PROCEDURE**

Job Applicants will contact the Chief Human Resources Officer or EO/AAO, if accommodations are needed to take part in the application process. Current employees with disabilities seeking promotion shall contact their campus designee or the EO/AAO to request a reasonable accommodation.

### **PROCEDURE FOR EMPLOYEE REQUESTING ACCOMMODATION FOR DISABILITY AT THE COLLEGE**

1. Employee requests for accommodations shall be made by contacting the Chief Human Resources Officer or the college EO/AAO.
2. The immediate supervisor shall contact the Chief Human Resources Officer or EO/AAO and advise of their receipt of a request for accommodation.
3. The Chief Human Resources Officer or EO/AAO may request documentation of the individual's functional limitation to support the request. All medical documentation collected will be strictly confidential and maintained in confidential files. No access to medical information will be allowed unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
  - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  - b. Determine the precise job-related limitation.
  - c. Identify the potential accommodation and assess the effectiveness each accommodation would have in allowing the individual to perform the essential functions of the job.

- d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the College is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The Chief Human Resources Officer or EO/AAO will work with the employee to obtain technical assistance as needed. The employee will provide reasonable assistance in obtaining medical documentation and/or accommodation assessments that may be necessary.
6. The Chief Human Resources Officer or EO/AAO will provide a decision to the employee within a reasonable amount of time after all documentation and assessments are completed.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship to the employer on the operation of the business, the employee and the Chief Human Resources Officer or ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.

## EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

*(Please print or Type)*

Employee Name: \_\_\_\_\_

Classification: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Division: \_\_\_\_\_

Campus Location: \_\_\_\_\_

This information will be used by the College or any other person, including the agency's legal counsel, who is authorized by Minnesota State Community and Technical College to handle medical information for Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA) purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the ADA and/or the MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is voluntary, however if you refuse to provide it, Minnesota State Community and Technical College may refuse to provide reasonable accommodation.

### **For questions below, please attach additional sheets if necessary.**

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.
2. Type of accommodations requested to perform essential function(s).
3. Which essential function(s) of your job will the requested accommodation allow you to perform?
4. Why is the requested accommodation necessary to perform the essential job function(s)?
5. How will the requested accommodation be effective in allowing performance of the essential job function?

Signature of Employee \_\_\_\_\_ Date \_\_\_\_\_

***\*Information on this form shall be confidential with exceptions according to the Rehabilitation Act of 1973, Section 504, subd. 84.14, and the Americans with Disabilities Act of 1990, subd. P.L. 101-336, Sec. 102C.***

## REASONABLE ACCOMMODATION AGREEMENT

This form is to be completed by the Chief Human Resources Officer or EO/AAO after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the College to the specific accommodation.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Name of Division Manager

The request for reasonable accommodation to the needs of the above named employee with a disability was:

☐ ACCEPTED

☐ DENIED

Justification for the decision (indicate specific factors considered)

If reasonable accommodation was approved was the employee's suggestion accepted?

☐ Yes

☐ No

☐ Partially

DESCRIBE specific accommodations to be made.

COST ESTIMATE:

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the College, will become the property of the State of Minnesota.

\_\_\_\_\_  
*Signature of Employee*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Division Manager*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of EO/AAO*

\_\_\_\_\_  
*Date*

## **XI. RECRUITMENT PLAN**

Recruitment Activities FY 2011 and FY 2012

Recruitment Sources Used:

### **Regional Newspapers**

- Alexandria Echo Press
- Brainerd Daily Dispatch
- Duluth News Tribune
- Fargo Forum
- Fergus Falls Daily Journal
- Grand Forks Herald
- International Falls Daily Journal
- Job Dig
- Lakes Country Network (Detroit Lakes, Perham, Wadena, New York Mills and Park Rapids
- Minneapolis StarTribune
- St. Cloud Times
- Roseau Times
- Warroad Pioneer
- Wahpeton Daily News

### **Higher Education Publications**

- Chronicle of Higher Education
- Diverse Issues in Higher Education (formerly Black Issues)
- Hispanic Outlook
- Insight into Diversity
- Tribal College Journal of American Indians in Higher Education
- Women in Higher Education

### **Websites**

- Beyond Boundaries (Volleyball coach website)
- Chronicle of Higher Education
- Craigslist
- Diverse Issues in Higher Education (formerly Black Issues)
- Duluth News
- Facebook
- Fargo Forum (different than FargoJobs.com)
- FargoJobs.com
- Google Adwords
- HigherEdJobs.com
- Hispanic Outlook
- Inside Higher Ed
- JobTarget
- Job Dig



- JobsHQ
- Latinos in Higher Ed
- Minneapolis StarTribune
- Minnesota Department of Employee Relations
- Minnesota State College & University Career Service Association
- Minnesota State Community and Technical College
- Minnesota Workforce Center
- MN Health Care Job Bank
- MN Hospital Assn. Website
- MnSCU Job Opportunities Bulletin
- National Job Bank
- NursingALD.com
- South Dakota State University Career Planning
- St. Cloud Times
- Team ND Consortium (Bismarck State College, Dickinson State University, Jamestown College, Mayville State University, Minot State University, Valley City State University, University of North Dakota)
- Tribal College Journal of American Indians in Higher Education

#### **Other Recruitment Sources**

- Email vacancies to all College faculty and staff
- National Association of Student Personnel
- National Rural Health Association
- National Society of Hispanic MBA's Conference Booklet
- Regional Help Wanted Com Inc.
- Minnesota Management and Budget Diversity E-mail List

#### **Costs Incurred:**

Fiscal Year 2011: \$31,229

Fiscal Year 2012: \$14,650

#### **Results:**

The College has had moderate success with protected group hiring and retention.

#### **Job Fairs Attended:**

None

#### **Strategies:**

The College projects moderate turnover in all EEO categories for which we have disparities. We will continue to educate the supervisors within the College regarding advertising deadlines and publication dates to enable us to more effectively utilize diversity and disabled focused publications.

The recruitment strategies are:

1. Continue to recruit in publications that will reach protected groups, including, but not limited to the following: Women's Press, Black Issues in Higher Education, Hispanic Outlook and

the Tribal College Journal of American Indians in Higher Education and the Chronicle of Higher Education.

2. Recruit on appropriate websites, including but not limited to HigherEdJobs.com.
3. Actively search the classified list for protected class candidates.
4. Include a protected group member(s) on each search committee, when possible.
5. Inform the college president, administration, staff, faculty, and interview teams of the goals and the justification for the goals to create awareness and understanding for Affirmative Action.

### **Efforts to Improve Recruitment of Persons with Disabilities:**

The College will continue its efforts, within budget parameters, to expand the advertisement of future vacancies within publications that reach a greater population base and thereby increase opportunities to attract applicants with disabilities. The College Chief Human Resources Officer and EO/AAO will continue efforts to evaluate hiring practices to ensure that discrimination against applicants with disabilities does not occur. The College will continue to communicate a willingness to provide accommodations for applicants with disabilities as part of the advertisement of employment vacancies.

The College will analyze the effectiveness of its advertising for position vacancies to determine what source(s) are most effective in reaching job applicants with disabilities. All applicants are asked, on a voluntary basis, to complete a confidential Supplemental Personal Data Form that is not part of the application process. If completed, the Supplemental Personal Data form will indicate, along with other information, whether the applicant has a disability. With the Supplemental Personal Data information the Human Resources Office and the EO/AAO can analyze advertising effectiveness to the disabled. This information can then be used to concentrate efforts in advertising at those locations.

### **Responsibilities:**

The EO/AAO and the Chief Human Resources Officer are responsible for recruitment efforts.

## **SUPPORTED EMPLOYMENT**

The College supports the employment of individuals with disabilities who have traditionally faced employment barriers to successful employment. The College is committed to providing opportunities, either through direct recruitment or providing a host training site, for individuals with disabilities to utilize job skills that will mutually benefit the individual and the College.

The College is committed to assisting the State of Minnesota, as the employer, to comply with the 1992 legislative language added to M.S. 43A.191 that states:

(D) The agency plan must identify, annually, any position in the agency that can be used for supported employment as defined in section 268.01, subdivision 13, of persons with severe disabilities. The agency shall report this information to the commissioner. An agency that hires more than one supported worker in the identified positions must receive recognition for each supported worker toward meeting the agency's affirmative action goals and objectives.

As classified vacancies occur, the essential functions of the position will be identified to determine if participation in the supported work program is feasible. Hiring supervisors and the Human Resources Office will review job tasks and determine if a supported employment worker might perform them. If so, the Participation Agreement Form (PAF) requesting to employ supported work candidates will note “Refer Supported Work Candidates” in the remarks section. All such PAFs will be sent to the Minnesota Management and Budget, Director of Workforce Planning & Development for supported work referrals.

## **XII. RETENTION PLAN**

Each College supervisor plays a key role in supporting the retention of employees. The College will initiate the following activities, among others, to support employee retention. These efforts will enhance retention for all employees and allow us to evaluate specific efforts related to protected group employees.

- Annual performance reviews for administrators, supervisors and staff. Evaluations are to be completed in a manner consistent with any requirements found in the collective bargaining agreements. This is consistent with the requirements in Minnesota Statutes, Chapter 43A.
- Create an organized professional development opportunity for non-instructional employees including but not limited to: funds, training and professional development opportunities.
- Continue to enhance new employee orientation for all employees. Develop comprehensive online orientation that outlines State, MnSCU, and College policy/procedure that all new and current employees may access.
- Analyze separation and layoff patterns of all employees to determine impact on protected members. Analysis must contain data for the previous two-year period. (M.S. 43A. 19 subd. 1 (3); A.P. 19.3A)

### **Assignment of Responsibility**

The College EO/AAO, Chief Human Resources Officer, and/or all administrators and supervisors have the responsibility to ensure the above efforts are carried out.

### **Hiring Process**

The College continually assesses its hiring procedures. Objectives include:

- a. Review and certify recruitment materials and advertisements according to the Affirmative Action Plan.
- b. Review Affirmative Action guidelines and policies with search chairs and committees.
- c. Provide advertising and recruitment sources to the search committees. Information will need to be provided which outlines advertising deadline and publication dates, to enable the College to more effectively
- d. Utilize diversity and disability focused publications.