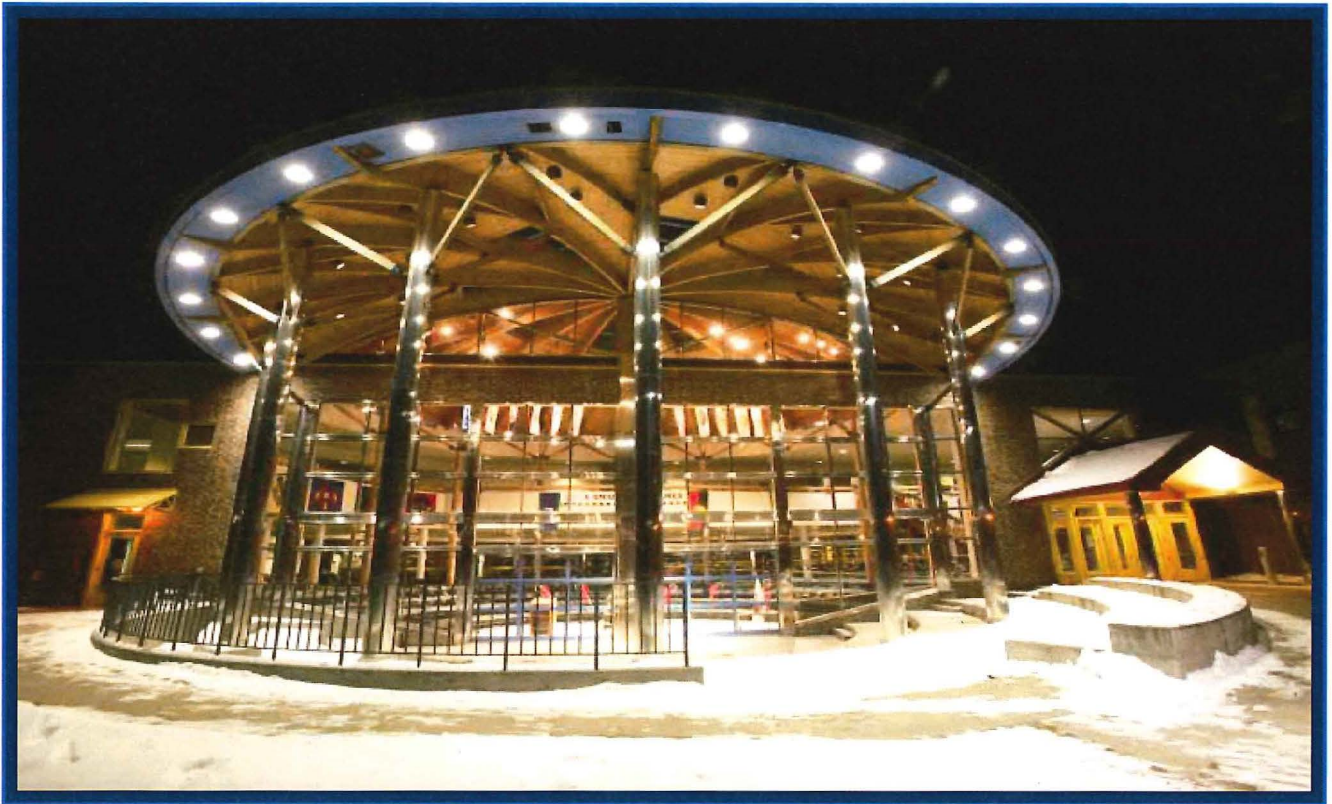


# ***Fond du Lac***

## ***Tribal and Community College***



### ***Affirmative Action Plan***

### ***2014-2016***

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**SECTION 1: Executive Summary**


FOND DU LAC TRIBAL AND COMMUNITY COLLEGE  
Affirmative Action Plan 2014-2016

Review revealed underutilization of the following protected group(s) in the following job categories:

Job Categories	PROTECTED GROUPS			
	Women	Racial/Ethnic Minorities	Indiv. With Disabilities	Veterans
Officials/Administrators				
Professionals				X
Technicians		X		X
Faculty			X	
Office/Clerical		X		X
Service Maintenance	X			

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of Fond du Lac Tribal and Community College. Our intention is that every employee is aware of Fond du Lac Tribal and Community College's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

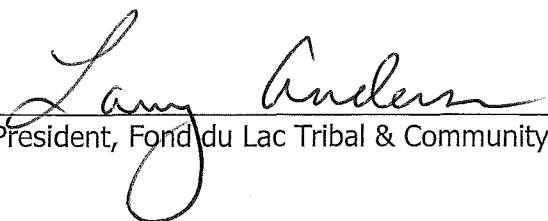
This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

  
\_\_\_\_\_  
Affirmative Action Officer

7-22-14

  
\_\_\_\_\_  
Human Resources Director

7-22-2014

  
\_\_\_\_\_  
President, Fond du Lac Tribal & Community College

7/23/14

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## SECTION 2: Statement of Commitment

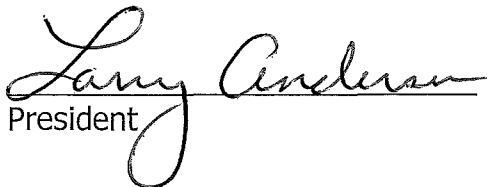
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This statement reaffirms Fond du Lac Tribal and Community College is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- Discrimination against applicants or employees on the basis of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, membership or activity in a local human rights commission, or status with regard to public assistance will not be tolerated.
- This college is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, individuals with disabilities, and veterans are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This college will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, Fond du Lac Tribal and Community College will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the college's policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

  
President



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**SECTION 3: Persons Responsible for  
Directing/Implementing the Affirmative Action Plan**

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• **Larry Anderson, President**

**Responsibilities:**

The President is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

**Duties:**

The duties of the President shall include, but are not limited to the following:

1. Appoint the Affirmative Action Officer or designee and include accountability for the administration of Fond du Lac Tribal and Community College's Affirmative Action Plan in his or her position description;
2. Take action, if needed, on complaints of discrimination and harassment;
3. Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
4. Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
5. Actively promote equal opportunity employment; and
6. Require all Fond du Lac Tribal and Community College's directors, managers, and supervisors include responsibility statement for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

**Accountability:**

President Larry Anderson is accountable directly to the Chancellor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

• **Affirmative Action Officer or Designee**

Damien Paulson, Coordinate of Placement and College in the Schools

**Responsibilities:**

The Affirmative Action Officer or designee is responsible for implementation of Fond du Lac Tribal and Community College's affirmative action and equal opportunity program, and oversight of Fond du Lac Tribal and Community College's compliance with equal opportunity and affirmative action laws.

**Duties:**

The duties of the Affirmative Action Officer or designee shall include, but are not limited to the following:

1. Prepare and oversee the Affirmative Action Plan, including development and setting of Fond du Lac Tribal and Community College's goals;
2. Monitor the compliance and fulfill all affirmative action reporting requirements;
3. Inform Fond du Lac Tribal and Community College's President of progress in affirmative action and equal opportunity and report potential concerns;
4. Review the Affirmative Action Plan at least annually and provide updates as appropriate;
5. Provide a college-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
6. Identify opportunities for infusing affirmative action and equal opportunity into the college's considerations, policies, and practices;
7. Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
8. Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
9. Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and
10. Serve as the college liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

**Accountability:**

The Affirmative Action Officer is accountable directly to the Dean of Student Services and indirectly to the President on matters pertaining to affirmative action and equal opportunity.

• **Americans with Disabilities Act Coordinator or Designee**

Louise Lind, Human Resource Director

**Responsibilities:**

The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the college's compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act – as amended, the Minnesota Human Rights Act, an Executive Order 96-09.

**Duties:**

The duties of the Americans with Disabilities Act Coordinator shall include, but not limited to the following:

1. Provide guidance, coordination, and direction to college management with regard to the Americans with Disabilities Act in the development and implementation of the college's policy, procedures, and practices, and programs to ensure they are accessible and nondiscriminatory;
2. Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and
3. Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the college's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

**Accountability:**

The Americans with Disabilities Act Coordinator reports directly to the Chief Financial Officer.

• **Human Resources Director of Designee**

Louise Lind, Human Resource Director

**Responsibilities:**

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the college.

**Duties:**

The duties of the Human Resources Director include, but are not limited to the following:

1. Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
2. Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
3. Initiate and report on specific program objectives contained in the Affirmative Action Plan;
4. Ensure pre-hire review process is implemented and received support from directors, managers, and supervisors;
5. Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;
6. Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;

7. Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
8. Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

**Accountability:**

The Human Resources Director is directly accountable to the Chief Financial Officer.

• **Directors, Managers, and Supervisors**

**Responsibilities:**

Directors, Managers, and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and compliance with the college's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

**Duties:**

The duties of directors, managers, and supervisors include, but are not limited to the following:

1. Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
2. Communicate the college's affirmative action policy to assigned staff;
3. Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
4. Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;
5. Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;
6. Provide a positive and inclusive work environment; and
7. Refer complaints of discrimination and harassment to the appropriate parties.

**Accountability:**

Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the college's President.



- **All Employees**

**Responsibilities:**

All employees are responsible for conducting themselves in accordance with the college's equal opportunity and Affirmative Action Plan and policies.

**Duties:**

The duties of all employees shall include, but are not limited to the following:

1. Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and
2. Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

**Accountability:**

Employees are accountable to their designated supervisor and indirectly to the college's President.

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## **SECTION 4: Communication of the Affirmative Action Plan**

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The following information describes the methods that the college takes to communicate the Affirmative Action Plan to employees and the general public:

### **INTERNAL METHODS OF COMMUNICATION**

1. A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the college's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
2. The college's Affirmative Action Plan is available to all employees on the college's internal website at [www.fdlccc.edu](http://www.fdlccc.edu) or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.
3. Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

### **EXTERNAL METHODS OF COMMUNICATION**

1. The college's Affirmative Action Plan is available on the college's external website at [www.fdlccc.edu](http://www.fdlccc.edu) or in print to anyone who requests it. As requested, the college will make the plan available in alternative formats.
2. The college's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer and educator."
3. Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights Under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

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## Section 5. FDLTCC's EQUAL OPPORTUNITY AND NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION POLICY

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### 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.

Fond du Lac Tribal and Community College 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 the Board Policy 4.10, of Trustees Nepotism policy. 4.10.

**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, Fond du Lac Tribal and Community College 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:

- 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
- 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
- Such conduct has the purpose or 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 Fond du Lac Tribal and Community College, including all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

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

- 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.
- 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:

- Made a complaint under this policy;
- 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;
- 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
- 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:

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

**Part 3. Consensual Relationships.** An employee of Fond du Lac Tribal and Community College 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, Fond du Lac Tribal and Community College shall develop a procedure to reassign evaluative authority as may be possible to avoid violation 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 Fond du Lac Tribal and Community College. 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.

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## **SECTION 6: FDLTCC'S REPORT/COMPLAINT OF DISCRIMINATION/HARASSMENT INVESTIGATION AND RESOLUTION PROCEDURE**

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

#### **Subpart A. Purpose**

**Subpart A. Purpose.** This procedure is designed to further implement Fond du Lac Tribal and Community College's policies relating to nondiscrimination by providing a process through which individuals alleging violation of Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education 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, gender identity, gender expression, marital status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local human rights commission as defined by law is prohibited.

**Subpart B. Applicability.** This procedure shall apply to all individuals affiliated with Fond du Lac Tribal and Community College, 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 correction 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 Fond du Lac Tribal and Community College.

**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 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. Decisionmaker.** Decisionmaker means a high level administrator designated by the president 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 decisionmaker for complaints under this procedure, administrators must complete decisionmaker training provided by the system office.

**Subpart C. Retaliation.** Retaliation is as defined in Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education policy.

**Part 3. Consensual relationships.** Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education 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:

1. 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 activity (employee includes, for example, graduate assistants, administrators, coaches, advisors, program directors, counselors and residence life staff);
2. 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
3. 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 event creates 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 Fond du Lac Tribal and Community College.

**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, Fond du Lac Tribal and Community College reserves 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.** Fond du Lac Tribal and Community College 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 Fond du Lac Tribal and Community College.
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 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 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 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.
9. **Timely Completion.** Fond du Lac Tribal and Community College will provide resources sufficient to complete the investigative process and issue a written response within 60 days after a complaint is made, unless reasonable cause for delay exists. The designated officer shall notify the complainant and respondent if the written response is not expected to be issued within the 60 day period. Fond du Lac Tribal and Community College must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

**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 or college personnel;
4. Other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
5. Fond du Lac Tribal and Community College 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 decisionmaker for review and decision;
  - B. Take additional investigative measures as requested by the decisionmaker; 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 decisionmaker 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 Board 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; and
- 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. College action.** Fond du Lac Tribal and Community College 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 1B.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 or college. In accordance with state law, the college is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Employee Relations within 30 days of final disposition.

## **Part 8. Appeal.**

**Subpart A. Filing an appeal.** The complainant or the respondent may appeal the decision of the decisionmaker. 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 decisionmaker.

**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 §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.** Fond du Lac Tribal and Community College shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as educational seminars and informational resources. Education and training programs should include education about Board Policy 1B.1 and this procedure. Fond du Lac Tribal and Community College 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 on the Fond du Lac Tribal and Community College campus 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 Fond du Lac Tribal and Community College 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.



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## SECTION 7: REASONABLE ACCOMMODATIONS IN EMPLOYMENT POLICY

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**Part 1. Purpose.** This procedure sets forth the process to be used for responding to requests for reasonable accommodations in employment based on an applicant's or employee's disability. The scope of this procedure is limited to reasonable accommodations, and is not intended to fully describe other provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

**Part 2. Reasonable Accommodations in Employment.** It is the policy of Fond du Lac Tribal and Community College to encourage the employment and promotion of any qualified individual including qualified individuals with disabilities. Fond du Lac Tribal and Community College will not discriminate in providing reasonable accommodations to qualified individuals with a disability in regard to job application procedures, hiring, advancement, discharge, employee compensation, job training or other terms, conditions, and privileges of employment.

**Part 3. Definitions.** For purposes of this procedure, the following terms have the meaning given them.

**Subpart A. Employer.** The employer is Fond du Lac Tribal and Community College.

**Subpart B. Essential Functions.** Essential functions are the fundamental job duties of the position I question. The term does not include the marginal functions of the position.

1. A job function may be considered essential for any of several reasons, including but not limited to the following:
  - A. The function may be essential because the reason the position exists is to perform that function;
  - B. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and or
  - C. The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
2. Evidence of whether a particular function is essential includes, but is not limited to:
  - A. The employer's judgment as to which functions are essential;

- B. Written job descriptions;
- C. The amount of time spent on the job performing the function;
- D. The consequences of not requiring the incumbent to perform the function;
- E. The terms of a collective bargaining agreement;
- F. The work experience of past incumbents in the job; and or
- G. The current work experience of incumbents in similar jobs.

**Subpart C. Individual with a Disability.** An individual with a disability for the purposes of determining reasonable accommodations is any applicant, current employee, including student employees, or employees seeking promotion, which has a physical or mental impairment which substantially or materially limits one or more of such individual's major life activities. Generally, a disabling physical or mental condition which is expected to be temporary and from which the individual is expected to recover is not a disability under this procedure.

**Subpart D. Qualified Individual with a Disability.** A qualified individual with a disability is an individual with a disability who meets the requisite skill, education, experience and other job-related requirements of the job and who, with or without reasonable accommodation, can perform the essential functions of the job.

**Subpart E. Reasonable Accommodations.** A reasonable accommodation is a modification or adjustment to a job or employment practice or the work environment that enables a qualified individual with a disability to perform the essential functions of the job as identified at the time of the reasonable accommodation request and to access equal employment opportunities. Reasonable accommodations may also include those things which make a facility and its operations readily accessible to and usable by individuals with disabilities. Under the law, the employer has a responsibility to make reasonable accommodations for individuals with a disability only if the disability is known and it is not an undue hardship under Part 6, Subpart C.

**Part 4. Identification of Assigned Staff Member.** Fond du Lac Tribal and Community College shall assign and identify a staff member responsible for administering requests for reasonable accommodations.

**Part 5. Right to Representation.** In accordance with applicable collective bargaining agreement language, employees may have the right to request and receive union representation during the reasonable accommodations process.

**Part 6. Providing Reasonable Accommodations.**

**Subpart A. Job Relatedness.** Reasonable accommodations will be provided only for job-related needs of individuals with a disability. The primary factor in evaluating an accommodation's job relatedness is whether the accommodation specifically assists the individual to perform the essential functions of the job as identified at the time of the reasonable accommodation request. If the requested accommodation is primarily for the benefit of the individual with a disability to assist that individual in daily personal activities, the employer is not required to provide the accommodation. The appropriate reasonable accommodation is best qualified individual with a disability; it may include the appropriate union representative as provided by the applicable collective bargaining agreement.

**Subpart B. Essential Functions.** Fond du Lac Tribal and Community College may deny employment or advancement in employment based on the inability of an individual with a disability to perform the essential functions of the job and may decline to make accommodations to the physical or mental needs of an employee or job applicant with a disability if:

1. The accommodation would impose an undue hardship on Fond du Lac Tribal and Community College as provided under Subpart C.;
2. The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or
3. Having the individual in the job would create a direct threat because of a significant risk to the health and safety of the individual or others and the risk cannot be eliminated by reasonable accommodation.

**Subpart C. Undue Hardship.** In determining whether providing a reasonable accommodation would impose an undue hardship on the employer, the factors to be considered include:

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.

**Subpart D. Documentation.** Documentation of a disability is required as part of the reasonable accommodation process unless the nature and extent of the disability is already known to the employer, or as a practical matter, the requested accommodation is minimal and the employer makes modifications for its convenience, regardless of whether the employee or applicant meets the requirement for a reasonable accommodation under this procedure.

**Subpart E. Choice of Accommodations.** The employer is not required to provide the specific accommodation requested by the individual and may choose an effective accommodation which is less expensive or easier to provide. Accommodations provided to the individual are the financial responsibility of the employer.

**Subpart F. Request Process.** Fond du Lac Tribal and Community College is responsible for establishing a process for individuals with disabilities to make requests for reasonable accommodations in compliance with the Americans with Disabilities Act or the Minnesota Human Rights Act. Such process should include the following:

1. MnSCU policy statement and definitions;
2. Assignment and identification of a staff member responsible for administering requests for reasonable accommodations;
3. Provide a process for appealing a reasonable accommodations decision.

**Part 7. Application.** Nothing in this procedure is intended to expand, diminish or alter the provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

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## **SECTION 8: EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES**

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A copy of Fond du Lac Tribal and Community College's weather and emergency evacuation plans can be found at: <http://www.fdlccc.edu/aboutfonddulac/policies.shtml>. A copy of the Emergency Response and Evacuation Plan can be obtained from the administration office.

Directors, managers, and supervisors will review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact Fond du Lac Tribal and Community College contact(s) below to request the type of assistance they may need.

Keith Turner, Dean of Student Services	218-879-0805	<a href="mailto:kturner@fdltcc.edu">kturner@fdltcc.edu</a>
Don Carlson, Vice President of Academics	218-879-0878	<a href="mailto:dcarlson@fdltcc.edu">dcarlson@fdltcc.edu</a>
Larry Anderson, President	218-879-0804	<a href="mailto:larrya@fdltcc.edu">larrya@fdltcc.edu</a>

**General Practices.** The emergency evacuation coordination team will ensure all employees and students are safely evacuated from the building in emergencies requiring evacuation. All persons who have been evacuated because of fire, tornado, or other emergency may return to the appropriate work areas only upon issuance of an all clear signal issued by an emergency evacuation coordination team member.

- Exit building using nearest, safe exit. Do not use elevators.
- Assemble at least 300 feet from the building at your predetermined meeting place.
- Wait for the all-clear signal to re-enter the building.

**Evacuating individuals with mobility impairments.** Upon hiring or injury, the employee with mobility impairment should voluntarily inform his/her supervisor of any special needs that they may have in the event of an emergency evacuation. The supervisor, with input from the equal employment opportunity/affirmative action designee, will discuss special needs with the employee in relation to the specific job, including the extent of the impairment and what special needs the employee may have in the event of an emergency. The supervisor or emergency coordinator shall ensure that persons with physical impairments are assisted, if necessary, to a safe location in the event of an emergency evacuation. The supervisor or emergency coordinator shall also maintain a system of accountability for those persons with physical impairments that include the known locations of individuals and their impairment. The supervisor or emergency coordinator should have a specific evacuation plan for employees, students, or visitors with mobility impairments.

**Procedure.** Evacuation of people with disabilities who are otherwise ambulatory, such as vision or hearing impaired, should take place normally with other building occupants. They can benefit from an escort and should be provided one from within the work area by the supervisor.

Evacuation of people who are dependent on mechanical equipment for their mobility should not be evacuated by elevator unless authorized or directed by the fire department personnel. For individuals with mobility impairments, stairs are often difficult, if not impossible to traverse. These individuals must be protected in place while awaiting arrival of the fire department. Individuals who cannot evacuate the building independently must be escorted to the nearest safe stairway. Prior arrangements for an able-bodied escort should be made by the supervisor or the person in charge of the classroom at the time of an alarm. The escort and assisted individual should enter the stairway landing and remain there only after the area is clear of other evacuating people. The stairway will protect escort(s) and sheltered individual(s) for more than two hours or until firefighters or police officers arrive to evacuate them. This is why it is crucial the workplace supervisor and emergency evacuation coordination team be advised as to work location and planned evacuation route of all individuals. Once outside the building, supervisors an emergency evacuation coordination team should consult each other and notify arriving firefighters or police officers as to the location of persons with mobility impairments and their escorts within the involved building. Fire and/or police personnel will assist with evacuation them.

If the stairwell becomes smoke filled or unsafe before the fire department's arrival, persons with mobility impairments and their escort should attempt to move back into the building and

proceed to another safe, usable stairway. As a last resort if no safe stairway refuge can be found, they should attempt to find a room that is reasonably safe, close the door and call 911 to give their new location and ask for assistance.

**Severe Weather Evacuation.** Severe weather watch means atmospheric conditions favor development of severe weather. Severe weather warning means severe weather has been sighted or reported in the local area. A weather emergency radio with warning indicators/alarms is located in the office of the Dean of Student Services.

- Inform the emergency evacuation coordinator or supervisor of the emergency.
- Take shelter in the basement, stay away from windows.
- Wait for the all-clear signal before returning to work area.
- If you are on the top floor of a building, use interior stairwell to move down to the basement.
- If you are outside, take shelter indoors immediately.

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## SECTION 9: GOALS AND TIMETABLES

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Through the utilization analysis, Fond du Lac Tribal and Community College has determined which job categories are underutilized for women, minorities, individuals with disabilities, and veterans within Fond du Lac Tribal and Community College and has set the following hiring goals for the next two years (Reference Table 2).

Table 2. Underutilization Analysis and Hiring Goals for 2014-2016

Job Categories	UNDERUTILIZATION – # OF INDIVIDUALS				HIRING GOALS FOR 2014-2016			
	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Veterans	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Veterans
Administration	0	0	0	0	0	0	0	0
Professionals	0	0	0	2	0	0	0	2
Technician	0	1	1	1	0	1	1	1
Faculty	0	0	2	0	0	0	2	0
Office/Clerical	0	1	0	1	0	1	0	1
Labor/Service/Craft	2	0	0	0	1	0	0	0

**Availability:**

Fond du Lac Tribal and Community College determined the recruitment area to be statewide for all job categories. In conducting its underutilization analysis, Fond du Lac Tribal and Community College used the Minnesota Statewide Labor Force Availability factor analysis from the American Fact Finder, by the U. S. Census Bureau. Fond du Lac Tribal and Community College determined it was best to use this type of analysis because the base would reflect a larger pool of candidates and would reflect a rural community rather than statistics in the metropolitan area. A one factor analysis was used because we are a small college and this

would best reflect demographics in our area. Due to uncertainties regarding future economic and budget concerns, FDLTCC may experience fewer hiring opportunities than previous reporting periods which may impact our ability to affirmatively hire women, minorities, individuals with disabilities and veterans.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

**Women:**

At Fond du Lac Tribal and Community College, the population of women has improved in the following job categories: None, and has not improved in the following job categories: Service Maintenance.

**Minorities:**

At Fond du Lac Tribal and Community College, the population of minorities has improved in the following job categories: None, and has not improved in the following job categories: Office/Clerical and Technicians.

**Individuals with Disabilities:**

At Fond du Lac Tribal and Community College, the population of individuals with disabilities has improved in the following job categories: Professionals, Faculty, Technicians, and Office/Clerical, and has not improved in the following job categories: None.

**Veterans:**

Effective March of 2013, the Office of the Federal Contract Compliance Program ("OFCCP") included veterans in affirmative action. Going forward, Fond du Lac Tribal and Community College will track the hiring and underutilization of veterans in accordance with the OFCCP regulations.

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## **SECTION 10: AFFIRMATIVE ACTION PROGRAM OBJECTIVES**

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Although no disparities exist for the categories relating to minorities, because of FDLTCC's mission of a "Union of Cultures" FDLTCC has the on-going commitment to recruit minorities for future open positions.

In pursuing Fond du Lac Tribal and Community College's commitment to affirmative action, the college will take the following actions during 2014 – 2016.

### **Objective #1: To develop diversity awareness and intercultural competence within the college and community.**

#### Specific Action Steps:

1. Plan and implement events and activities to increase cultural awareness and intercultural competence on campus.
2. Promote disability awareness and workplace accessibility among employees and students.
3. Work with employees in promoting the integration of diversity initiatives into curriculum and student life activities.
4. Encourage the integration of students with the local population through service-learning projects and interaction with area schools.

#### Evaluation:

Fond du Lac Tribal and Community College has a commitment to the "Union of Cultures". Events are opened with drumming and pipe ceremonies. There are demonstrations of native dances and customs. We have events such as winter celebrations, feasts, and opportunities for students, staff, and community members to participate in learning native customs such as making birch bark canoes, traditional medicinal healing, gardening, and other customs.

### **Objective #2: Provide training opportunities to increase understanding around issues of diversity and harassment in the workplace/classroom.**

#### Specific Action Steps:

1. Provide training for employees in the following areas:
  - a. Affirmative Action Plan
  - b. Role of the Affirmative Action Officer
  - c. Complaint Process
  - d. Anti-Harassment/Anti-Discrimination



- e. Diversity and Intercultural Competence
  - f. Respect/Civility in the Workplace
  - g. Conflict Resolution/Mediation
  - h. Disabilities and Access
2. Continue including diversity and harassment information and training in the new Employee Orientation provided for all employees.
  3. Attend State and MnSCU sponsored workshops and seminars as offered.

Evaluation:

There has been a campus-wide effort in having a "Respect" campaign and video made at FDLTCC. An Anishinaabe Resource Center has been developed on campus with language resources, books, and native artwork. Indian elders will be filmed to tell their story of their native heritage. Administrators and supervisors have attended Investigator training. Opportunities are provided by the System Office for legal webinars on a variety of topics.

**Objective #3: Increase the recruitment and retention of protected class employees, individuals with disabilities, and veterans in compliance with the goals of MnSCU and of the college.**

Specific Action Steps:

1. Update job posting list to include organizations that work with protected class persons as well as individuals with disabilities.
2. Develop a mentoring / leadership program emphasizing new faculty/staff hires and retention of protected class persons and individuals with disabilities.
3. Work closely with multi-cultural centers and disabilities coordinators to foster a welcoming, safe, and comfortable campus environment.
4. Strengthen connections with MnSCU, ODEO, and other schools to encourage recruitment and retention.

Evaluation:

Due to retirements and resignations, minorities are needed in our Office/Clerical grouping. We were able to increase the number of disabled workers by sending out an opportunity for employees to self-elect a disability. As our workforce is reaching retirement age, some have now declared disabilities, and this is tracked with every new hire. FDLTCC will need to make an effort to hire veterans. This is the first year that veteran numbers have been reported, and numbers in this class need to be increased.

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## **SECTION 11: METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS**

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### **A. Pre-Employment Review Procedure/Monitoring the Hiring Process**

Fond du Lac Tribal and Community College will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. Fond du Lac Tribal and Community College will use the NeoGov online application system to track the number of women, minorities, individuals with disabilities, and veterans in each stage of the selection process. Directors, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and equal opportunity professionals will review for bias.

Any time Fond du Lac Tribal and Community College cannot justify a hire, the college takes a missed opportunity. Fond du Lac Tribal and Community College leadership will be asked to authorize the missed opportunity. The college will report the number of affirmative and nonaffirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation for individuals with disabilities to allow the candidate equal opportunity to participate in the interview process. For example, describe if interview questions are offered ahead of time or what technology may be used during the interview process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

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

The Affirmative Action Officer, in conjunction with Fond du Lac Tribal and Community College human resources office shall be responsible for reviewing all pending layoffs to determine their effect on the college's affirmative action goals and timetables.

If it is determined that there is an adverse impact on protected groups, the college will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. Fond du Lac Tribal and Community College will determine if other alternatives are available to minimize the impact on protected groups.

### **C. Other Methods of Program Evaluation**

Fond du Lac Tribal and Community College submits the following compliance reports to Minnesota Management and Budget as part of our efforts to evaluate our affirmative action program:

1. Quarterly Monitoring the Hiring Process Reports;

2. Biannual Affirmative Action Plan;
3. Annual Americans with Disabilities Act Report
4. Annual Internal Complaint Report

Fond du Lac Tribal and Community College also evaluates our Affirmative Action Plan in the following ways:

1. Monitors progress toward stated goals by job category when vacancies exist.
2. Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
3. Reviews accessibility to ensure that reasonable accommodations can be easily requested; and
4. Discusses progress with college leadership on a periodic basis and makes recommendations for improvement.

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## **SECTION 12: RECRUITMENT PLAN**

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The objective of this recruitment plan is to ensure that Fond du Lac Tribal and Community College recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and to assist in meeting the college affirmative action goals to achieve a diverse workforce.

Recruitment costs incurred in 2014 include \$2,500 for ads in local papers, \$200 in The Circle, a Native American publication, \$150 in the Tribal College Journal, \$300 in the Chronicle of Higher Education, \$180.90 for inclusion in MnDiversity.com

Below are various recruitment methods or strategies utilized by Fond du Lac Tribal and Community College during the past year.

### **A. Advertising Sources**

- Cloquet Pine Journal
- Duluth News Tribune
- FDLTCC Website
- Fond du Lac Reservation Human Resources
- MNSCU website
- Upper Midwest HERC
- The Chronicle of Higher Education
- Minnesota Management and Budget website
- Minnesota Diversity.com
- Tribal College Journal
- The Circle
- Regional agencies with minority interests

The MnSCU Job Opportunities website and local newspapers continue to be the most effective course of recruitment. National publications have been used when recruiting administrator positions.

### **B. Job and Community Fairs**

None

### **C. College and University Recruitment**

All college faculty and staff are notified of every job opening by email. This has been very helpful with our Native American faculty and staff.

### **D. Recruitment for Persons with Disabilities**

Fond du Lac Tribal and Community College will continue its efforts to expand the advertisement of future vacancies within publications that reach a greater population base to increase opportunities to attract applicants with disabilities. FDLTCC will continue to communicate a willingness to provide accommodations for applicants with disabilities as part of the advertisement of employment vacancies.

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.

**E. Relationship Building and Outreach**

All job postings are faxed to the Fond du Lac Reservation Human Resource department for posting purposes.

Job postings at our Outreach Sites are faxed to the tribe where the position is located.

**F. Supported Employment (M.S. 43A.191, Subd. 2(d))**

This agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to people with disabilities to recruit for these positions.

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## SECTION 13: RETENTION PLAN

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Fond du Lac Tribal and Community College is committed to not just the recruitment of women, minorities, individuals with disabilities, and veterans, but also to the retention of these protected groups.

### A. Individual Responsible for College's Retention Program/Activities

Larry Anderson, President  
(218) 879-0804  
[larrya@fdltcc.edu](mailto:larrya@fdltcc.edu)

### B. Separation and Retention Analysis by Protected Groups

Separation Type	# Total Separations	% Total Separations	% Males	% Females	% Minorities	% Disabilities
Voluntary Termination	4	66.67	00.00	100.00	50.00	0.00
Involuntary Termination	2	33.33	00.00	100.00	0.00	0.00
Total	6					

### Analysis

*The analysis indicates that two individuals left employment from FDLTCC during the 2012-2014 period that were protected group members.*

### Methods of Retention of Protected Groups

- A. Creating and implementing networking and mentoring opportunities;
- B. Implementing a welcoming onboarding process.

**APPENDIX**

**A. Complaint of Harassment/Discrimination Form**

**Fond du Lac Tribal and Community**  
**2101 14<sup>th</sup> Street**  
**Cloquet, MN 55720**  
**(218) 879-0800**

**A. Complaint Of Harassment/Discrimination**

**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.

<b>Complainant (You)</b>		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ( )
Agency	Division	Manager
<b>Respondent (Person Who Harassed/Discriminated Against You)</b>		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ( )
Agency	Division	Manager

<b>The Complaint</b>
Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation  <input type="checkbox"/> Sex <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"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human

Rights Commission	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:
Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.	

<b>Information on Witnesses Who Can Support Your Case</b>		
Name	Work Address	Work Telephone
1.		( )
2.		( )
3.		( )

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

This complaint is being filed on my honest belief that the State of Minnesota has harassed/discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.	
Complainant Signature	Date

Affirmative Action Officer Signature	Date
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**B. Employee Request for Reasonable Accommodation Form**

**State of Minnesota – Fond du Lac Tribal and Community College  
Employee/Applicant Request for ADA Reasonable Accommodation Form**

The State of Minnesota is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Location: \_\_\_\_\_

Data Privacy Statement: This information may be used by your system office, college, or university human resources representative, ADA Coordinator or designee, your system office, college, or university legal counsel, or any other individual who is authorized by your system office, college, or university to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your system office, college, or university may refuse to provide a reasonable accommodation.

**Questions to clarify accommodation requested.**

1. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
  - a. If yes, please explain.

**Questions to document the reason for the accommodation request** *(please attach additional pages if necessary).*

**State of Minnesota – Fond du Lac Tribal and Community College  
Reasonable Accommodation Request Form, Page 2**

1. What, if any job function are you having difficulty performing?

2. What, if any employment benefit are you having difficulty accessing?
3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?
4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

### **Information Pertaining to Medical Documentation**

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator/Designee in each college or university is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

**Genetic Information Nondiscrimination Act of 2008 Disclosure: This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.**

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### C. Underutilization Analysis Worksheet

#### Fond du Lac Tribal and Community College

#### Job Group Availability/Utilization/Underutilization Analysis & Annual Goals

Worksheet for comparing incumbency to availability and setting goals to correct underutilization

Women									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the
Officials/Administrators	5	<10	60.00%	40.20%	2	0	0	Same	
Professionals	25	14	56.00%	55.70%	14	0	0	Same	
Faculty	38	22	57.89%	46.20%	18	0	0	Same	
Office/Clerical	15	15	100.00%	63.40%	10	0	0	Same	
Technicians	7	<10	85.71%	57.20%	4	0	0	Same	
Service Maintenance	4	0	0.00%	44.40%	2	2	2	Same	

Minorities									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the
Officials/Administrators	5	<10	60.00%	7.60%	0	0	0	Same	
Professionals	25	<10	36.00%	10.60%	3	0	0	Same	
Faculty	38	10	26.32%	24.90%	9	0	0	Same	
Office/Clerical	15	<10	6.67%	10.50%	2	1	0	Not Improved	-1
Technicians	7	<10	0.00%	10.60%	1	1	0	Not Improved	-1
Service Maintenance	4	<10	25.00%	19.50%	1	0	0	Same	

Individuals with Disabilities									
Job Categories	Total Employees in Job Group	Total Number of Indiv./ with Disabilities in Group	% of Indiv. w/ Disabilities in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two
Officials and Managers	5	<10	0.00%	7.00%	0	0	1	Improved	1
Professionals	25	<10	8.00%	7.00%	2	0	2	Improved	2
Faculty	38	<10	2.63%	7.00%	3	2	4	Improved	2
Technicians	7	<10	0.00%	7.00%	0	0	1	Improved	1
Office/Clerical	15	<10	6.67%	7.00%	1	0	2	Improved	1
Service Maintenance	4	<10	0.00%	7.00%	0	0	0	Same	

Veterans									
Job Categories	Total Employees in Job Group	Total Number of Veterans in Group	% of Veterans in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Managers	5	<10	0.00%	8.00%	0	0			
Professionals	25	<10	0.00%	8.00%	2	2			
Faculty	38	<10	10.53%	8.00%	3	0			
Technicians	7	<10	0.00%	8.00%	1	1			
Office/Clerical	15	<10	0.00%	8.00%	1	1			
Service Maintenance	4	<10	0.00%	8.00%	0	0			

Source: American Fact Finder (U.S. Census Bureau, 2010 Census)

For Disabilities and Veterans, the Availability % comes from the Office of Federal Contractor Compliance Program ("OFCCP")