
STATE OF MINNESOTA

**MINNESOTA STATE COLLEGES
AND UNIVERSITIES SYSTEM
OFFICE**

Affirmative Action Plan

August 2014 – August 2016

Minnesota State Colleges and Universities
30 7th St. E., Ste. 350
St. Paul, MN 55101

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MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM OFFICE
2014 – 2016 Affirmative Action Plan

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I. EXECUTIVE SUMMARY

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

Table 1. Underutilization Analysis of Affirmative Action Groups

Job Categories	AFFIRMATIVE ACTION GROUPS			
	Women	Racial/Ethnic Minorities	Indiv. With Disabilities	Veterans
Officials/Administrators	X	X	X	X
Professionals	X		X	X
Office/Clerical				
Technicians	X			

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the system office. Our intention is that every employee to is aware of system office's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the system office's website and maintained in the both the Human Resources and Affirmative Action Offices.

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 or Designee

8/6/2014


(date)



Human Resources Director or Designee

3-20-15

(date)



Chancellor

8/6/14

(date)

II. STATEMENT OF COMMITMENT

This statement reaffirms that the system office 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.

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

- No individual 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, gender expression, or membership or activity in a local human rights commission.
- This system office 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. We will provide reasonable accommodation to employees and applicants with disabilities.
- This system office 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 system office 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, the system office will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the system office'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.



Chancellor

8/6/14

(date)

III. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. Steven Rosenstone, Chancellor of Minnesota State Colleges and Universities

Responsibilities:

The Chancellor 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 Chancellor shall include, but are not limited to the following:

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

Accountability:

The Chancellor is accountable directly to the Minnesota State Colleges and Universities Board of Trustees and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

B. Affirmative Action Officer or Designee Leon Rodrigues, Chief Diversity Officer

Responsibilities:

The Affirmative Action Officer or designee is responsible for implementation of the system office's affirmative action and equal opportunity program, and oversight of the system office'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:

- Prepare and oversee the Affirmative Action Plan, including development and setting of system goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the system office of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide a system-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;
- Identify opportunities for infusing affirmative action and equal opportunity into the system office's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- 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
- Serve as the system office 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 Chancellor on matters pertaining to affirmative action and equal opportunity.

C. Americans with Disabilities Act Coordinator or Designee
Victoria DeFord, System Office Chief Human Resources Officer

Responsibilities:

The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the system office'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, and Executive Order 96-09.

Duties:

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

- Provide guidance, coordination, and direction to system office management with regard to the Americans with Disabilities Act in the development and implementation of the system office's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;
- 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
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the system office's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

Accountability:

The Americans with Disabilities Act Coordinator reports directly to Nancy Joyer, Chief of Staff.

D. Human Resources Director or Designee

Victoria DeFord, System Office Chief Human Resources Officer

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 system office.

Duties:

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

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- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Ensure pre-hire review process is implemented and receives support from directors, managers, and supervisors;
- 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;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
- 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 Nancy Joyer, Chief of Staff.

E. 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 affirmative action programs and policies of the system office, 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:

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the system office's affirmative action policy to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;
- To provide a positive and inclusive work environment; and
- To 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 Chancellor.

F. All Employees

Responsibilities:

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

Duties:

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

- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and
- 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 Chancellor.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

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

A. Internal Methods of Communication

- 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 Chief Diversity Officer to all staff on an annual basis.
- The system office's Affirmative Action Plan is available to all employees on the Diversity website at <http://www.diversity.mnscu.edu/> or in print copy to anyone who requests it. As requested, the system office will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

B. External Methods of Communication

- The system office Affirmative Action Plan is available on the Minnesota State Colleges and Universities Diversity website at <http://www.diversity.mnscu.edu/> or in print copy to anyone who requests it. As requested, the system office will make the plan available in alternative formats.
- The system office website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer and educator."
- 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.

V. MnSCU'S EQUAL OPPORTUNITY AND NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION POLICY

1B.1 Equal Opportunity and Nondiscrimination in Employment and Education Policy

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 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, 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:

- 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 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:

- 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 96 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 state 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 a college or university;
- 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 the college or university;
- Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
- 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.

VI. 1B.1.1. MnSCU'S REPORT/COMPLAINT OF DISCRIMINATION/HARASSMENT INVESTIGATION AND RESOLUTION PROCEDURE

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 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 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. Decisionmaker. Decisionmaker 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 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:

- 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 system office, 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.

- **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.
- **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.

- Information provided to complainant. At the time the report/complaint is made, the designated officer shall:
 - Inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
 - Provide a copy of or Web address for Board Policy 1B.1 and this procedure to the complainant;
 - Determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
 - Inform the complainant of the provisions of Board Policy 1B.1 prohibiting retaliation.
- 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.
- 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:
 - Provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
 - 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;
 - Explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
 - Determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and

- Inform the respondent of the provisions of Board Policy 1B.1 prohibiting retaliation.
- Investigatory process. The designated officer shall:
 - Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
 - Inform the witnesses and other involved individuals of the prohibition against retaliation;
 - Create, gather and maintain investigative documentation as appropriate;
 - 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
 - Handle all data in accordance with applicable federal and state privacy laws.
- Interim actions.
 - 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.
 - 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.

- 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.
- Timely Completion. Colleges, universities and the system office must 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. The college, university or system office 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:

- Conduct or coordinate education/training;
- Facilitate voluntary meetings between the parties;
- Recommend separation of the parties, after consultation with appropriate system office, college or university personnel;
- Other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
- 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;
- 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.

- **Designated officer.** The designated officer shall:
 - Prepare an investigation report and forward it to the decisionmaker for review and decision;

- Take additional investigative measures as requested by the decisionmaker; and
- 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.
- **Decision maker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
 - Determine whether additional steps should be taken prior to making the decision. Additional steps may include:
 - A request that the designated officer conduct further investigative measures;
 - 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
 - A request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
 - Take other measures deemed necessary to determine whether a violation of Board Policy 1B.1 has been established;
 - 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;
 - 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;
 - 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

- 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 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. 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.

VII. MNSCU'S REASONABLE ACCOMMODATIONS IN EMPLOYMENT POLICY

1B.4 ACCESS AND ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES

Part 1. Policy Statement.

Minnesota State Colleges and Universities is committed to ensuring its programs, services and activities are accessible to individuals with disabilities, through its compliance with state and federal laws. The system recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the system's programs, services and activities.

Part 2. Definitions.

Subpart A. An individual with a disability:

1. Any person who has a physical or mental impairment which materially limits one or more of the person's major life activities.
2. Any person who has a record of such impairment which means that a person has a history of or has been classified as having a mental or physical impairment that materially limits one or more major life activities.

Subpart B. Qualified individual with a disability. An individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or participation in a system office, college, or university program or activity. Essential eligibility requirements include, but are not limited to, academic and technical standards requisite to admission or participation in an education program or activity.

Subpart C. Program devices and services may include wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

Part 3. General Access Policy.

Colleges, universities and the system office shall provide access to programs, services and activities to qualified individuals with known disabilities as required by law. An individual requesting an accommodation may be required to provide documentation of eligibility for the accommodation.

Part 4. Availability and Notice.

Colleges, universities, and the system office shall post notices to the public in an accessible format stating 1) prohibition against discrimination on the basis of disability, and 2) contact information for the person designated to provide information about or respond to requests for reasonable accommodation.

Part 5. Reasonable Accommodations.

Subpart A. Programs, Services, and Activities. Colleges, universities and the system office shall make reasonable accommodations to ensure access to programs, services, and activities as required by law. Access means that a qualified individual with a disability will not be excluded from participation in or be denied the benefits of the programs, services, or activities, nor will the individual be subjected to discrimination. Reasonable accommodations may include modifications to: rules, policies, or practices; the removal of architectural, communication, or transportation barriers; provision of auxiliary aids or the

provision of equally effective programs, services, or activities. In accordance with the Americans with Disabilities Act, accommodations will not be provided 1) for personal devices or services even though the individual may be a qualified individual with a disability, or 2) that result in a fundamental alteration in the nature of a service, program, or activity or in undue financial or administrative burdens.

Subpart B. Employment. System Procedure 1B.0.1, Reasonable Accommodations in Employment, applies to accommodation requests by employees and applicants for employment.

Part 6. Offered and/or Sponsored Services or Activities for Qualified Students with Disabilities.

Colleges and universities have a responsibility to provide a qualified student with a disability access to services and activities that are operated or sponsored by the institution or that receive significant assistance from the institution. Such access shall be provided in a reasonable manner as required by law. At a minimum, the following must be available to qualified students with disabilities:

- 1) support, counseling, and information services that may include support groups, individual counseling, career counseling and assessment, and referral services;
- 2) academic assistance services that may include assistive devices, early registration services, early syllabus availability, course selection, program advising, course work assistance, testing assistance and modification, and tutoring; and
- 3) coordination services that may include personnel acting on the student's behalf and serving as the primary contact and coordinator for students needing services, assistance in working individually with faculty and administrators, intervention procedures, and grievance procedures.

Part 7. Process.

Each college and university shall establish a process for an individual with a disability to request an accommodation to access the institution's programs, services, or activities consistent with state and federal laws. The process for individuals with disabilities to request an accommodation must, at a minimum include the following:

- a. Provide the requesting individual with a copy of Board Policy 1B.4.
- b. Assignment and identification of a staff member responsible for making a determination about the request for accommodation or the delivery of services.
- c. Provide a process for appealing a denial of a request for accommodation.

Procedures 1B.0.1 Reasonable Accommodations in Employment

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 MnSCU to encourage the employment and promotion of any qualified individual including qualified individuals with disabilities. The system office, college or university 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 the system office, college or university.

Subpart B. Essential Functions: Essential functions are the fundamental job duties of the position in 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, who 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. The system office, and each college and university 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 determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability; it may include the appropriate union representative as provided by the applicable collective bargaining agreement.

Subpart B. Essential Functions. The system office, college or university 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 the system office, college or university as provided under Subpart C.; or
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 requirements 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. The system office, colleges and universities are 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.

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

A copy of the system office's weather and emergency evacuation plans can be found at:
<http://www.mnscu.edu/system/emergency/evacuation.html>

Knowledge and preparation by both individuals needing assistance and those who don't is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plans, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in the system office, will work to develop a plan and consult the appropriate building and safety personnel.

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

Victoria DeFord, Human Resources Director, 651-201-1664, or at
Victoria.Deford@so.mnscu.edu.

Evacuation Procedure: Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders. Please see the text below:

Emergency Evacuation

Procedure/Action to Take

1. Remain calm and quiet and follow instructions from floor monitors and/or the building PA system.
2. Persons who are mobility or sensory impaired must be accompanied by two attendants and be moved close to the nearest stairwell. One attendant will stay with the impaired person. The other attendant will notify emergency personnel as to where the person is waiting.
3. Advise all visitors and guests in your area about the evacuation procedure.
4. Do not use elevators. Use stairwells. Exit the building via the nearest stairwell. Use handrail and keep to the right. If you need assistance, tell your floor monitor. Hint: Remove high heeled shoes when going down the stairs.
5. Do not run or react in any way that will cause alarm or panic.
6. Do not block stairwells, vestibules or doors. Move out of the way of emergency personnel going up the stairs.
7. Leave the building immediately. Cross 7th Street to the open, grassy area adjacent to the parking ramp. Report to your floor monitor or work group.
8. Do not try to return to the building until an "all clear" is given by the building authority.

Evacuation Procedures for Individuals with Mobility Disabilities, Hearing Disabilities, and Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")): Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- Hearing disabilities: The system office is equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.

- Visual disabilities: The system office is equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

- Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- Elevator evacuation: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- Shelter in Place: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

IX. GOALS AND TIMETABLES

Through the utilization analysis, the system office, has determined which job categories are underutilized for women, minorities, individuals with disabilities, and veterans within the system office, college, or university and has set the following hiring goals for the next two years (Reference Table 2).

MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM OFFICE
AFFIRMATIVE ACTION PLAN 2014-2016

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
Officials/Administrators	1	7	7	2	1	3	3	1
Professionals	8	0	14	2	3	-	3	1
Office/Clerical	0	0	0	0	-	-	-	-
Technicians	1	0	0	0	-	-	-	-

MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM OFFICE

AFFIRMATIVE ACTION PLAN 2014-2016

Availability:

The system office determined the recruitment area to be nation-wide for the officials/administrator job class, we used statewide availability data for the professional class category and we used metropolitan availability data for the office/clerical and technician availability. In conducting its underutilization analysis, the system office contemplated using the two-factor analysis but found that the availability was better if we used the one-factor analysis.

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 the college or university, the population of women has improved in the following job categories: Office/Clerical and Technicians and has not improved in the following job categories: Officials/Administrators and Professionals. Due to hiring needs and budget constraints at the system office we did not meet our goals for hiring more women in Officials/Administrators and Professionals job classes. The system office will do more targeted recruitment of women in the Administrator/Official and the Professional job categories. In addition, we will train hiring managers to do an affirmative search.

Minorities:

At the system office the population of minorities has improved in the following job categories: Professionals and Office/Clerical and has not improved in the following job categories: Officials/Administrators. The system office has focused on targeted recruitment of minorities and has improved in most categories; one critical factor of not improving in the Officials/Administrator job category was due to numerous retirements. We will continue to do targeted recruitment of minorities in our Officials/Administrator positions.

Individuals with Disabilities:

At the system office, the population of individuals with disabilities has improved in all of our job categories. We will continue to do targeted recruitment of persons with disabilities and encourage current employees to disclose their disability for affirmative action purposes.

Veterans:

Effective March 2013, the Office of the Federal Contract Compliance Program (OFCCP) included veterans in affirmative action. Going forward, the system office will track the hiring and underutilization of veterans in accordance with the OFCCP regulations.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In pursuing the system office's commitment to affirmative action, the system office will take the following actions during 2014-2016:

Objective #1: Sustain System Office Recruitment Efforts

Action Steps

The Affirmative Action Office (unclassified positions) or Human Resources Office (classified positions) will:

- Consult with departments and search committees to review recruitment and hiring guidelines and goals, and to answer questions.
- Work with Human Resources, Managers and Diversity to identify internal and external candidates
- Conduct detailed analysis of position descriptions to ensure that they accurately reflect the position functions. In addition, each job description will include this statement: "The applicant (the employee) should demonstrate a knowledge of and interest in diverse cultures and populations."
- Provide ongoing support and advice to managerial and supervisory staff in conducting candidate searches.
- Provide feedback to the administration and others having primary responsibilities for candidate searches regarding the status of hiring goal accomplishments.
- Examine and evaluate recruitment and hiring guidelines in order to support and advance the system office's commitment to affirmative action. Data will be reviewed semi-annually to ensure that we are supporting our affirmative action goals.
- Make available to search committees recruitment sources to assist in their efforts. Information regarding potential recruitment strategies and resources is included in the Recruitment and Hiring Guidelines/Unclassified Personnel, which is available in the Diversity and Equity office and on the Human Resources Web site at http://www.hr.mnscu.edu/guide_interpretations/documents/PER0007.pdf.
- Evaluate the search process periodically to ensure freedom from bias. Select and train staff involved in the recruiting, screening, selection, promotion, discipline, and related processes. The recruitment, screening, referral, and selection process must demonstrate good-faith effort to remove identified barriers, expand employment opportunities, and produce measurable results.
- Effectively communicate opportunities for advancement to all staff, including minorities, women, and persons with disabilities. The Minnesota State Colleges and Universities job opportunities bulletin will be published weekly.
- Make every effort to ensure search committees are diverse and include gender diversity, minorities and persons with disabilities in their membership.
- Recruit affirmatively. An updated list of potential resources to enable this is on the

Diversity and Multiculturalism website at <http://www.eod.mnscu.edu/index.html>.

- Attend to the recruitment of individuals with disabilities and establish hiring goals that reflect this commitment. The system office does not pressure employees to report their disability status; therefore, workforce numbers may not accurately reflect the actual number of disabled individuals employed at the system office.
- Evaluate the system office's selection processes to identify and reduce barriers for women, minorities, veteran's and people with disabilities.

Assignment of Responsibility

System Office Human Resource Director and Chief Diversity Officer.

Target Dates for Completion

This will be an ongoing process.

Previous Year's Activities

A number of strategies were used in the filling of system office vacancies during the past year including:

- Advertisements in the *Chronicle of Higher Education*
- Advertisements in several minority publications in the Twin Cities area
- Advertisements in *Minneapolis Star Tribune* and *St. Paul Pioneer Press*
- Advertisements in www.minnesotadiversity.com, which actively provides outreach to underrepresented communities
- Encouragement of minorities, female, veterans, and employees with disabilities to refer applicants for employment
- Targeted recruitment through national and local professional organization listservs
- Targeted vacancy notice distribution, soliciting nominations and inviting applications through bargaining units, discipline-specific targeted constituents, Minnesota Women's Consortium, etc.
- Recruitment using personal contacts and networking
- Advertisements on Minnesota State Colleges and Universities website
- Use of a private consultant for targeted recruitment for executive-level positions.
- Participation in the Upper Midwest Higher Education Recruitment Consortium (HERC), which seeks to reach diverse candidates for positions in higher education
- Luncheon seminars on recruiting and affirmative action
- Created search committee handbook with checklists
- Revamped entire search manual

Expenditures

Each system office division is expected to have budget resources to support searches. Specific amounts may vary in individual searches but can range from minimal costs to several thousand dollars, depending on the nature and scope of the position.

In 2013, the system office paid \$1,056 to advertise for 12 months with Minnesotadiversity.com which also includes outreach to community of color organizations, and to:

MinneapolisDiversity.com, Minnesotajobnetwork.com, Kare11.com, Minnesotadiversity.com, StPaulDiversity.com, JobsinMinneapolis.com, JobsinStPaul.com, JobsinBloomington.com, JobsinDuluth.com, JobsinRochester.com, JobsinMankato.com, JobsinStCloud.com, JobsinMoorhead.com, and JobsinWinona.com.

The system office also spent \$ 26,500 in 2014 for membership in the Upper Midwest Higher Education Recruitment Consortium, which targets outreach to diverse candidates for positions in higher education.

Evaluation

Records of the number of missed opportunities will be maintained in the Human Resources office and shared with appropriate administrators.

Objective 2: Enhancing Retention Efforts in the System Office

Action Steps

Each manager plays a key role in supporting the retention of employees. The system office will initiate the following activities to support employee retention. These efforts will enhance retention for all employees and allow the evaluation of specific efforts related to women, minorities, and persons with disabilities.

- Help individuals succeed in their early years of employment is a key to retaining staff. The first element in this program is orientation for new staff members. An orientation program that provides information about policies, benefits, and educational opportunities is routinely provided to all new employees.
- Introduce new staff members to system office colleagues for the purpose of creating community and connecting individuals in other departments for future collaborative work is the responsibility of all supervisors.
- Offer training to system office's employees reaffirming the commitment to civility in the work place and the chancellor's commitment to providing a work environment free of discrimination, harassment, and violence.
- 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.
- Continue to encourage opportunities for personal and professional growth for all employees.
- Conduct annual performance reviews for all employees.
- Provide ongoing opportunities for cultural competency training to all employees of the system office.
- Incorporate appropriate aspects of diversity into the evaluation of managers and supervisors.

- Where a disparity exists, review the selection process and approve the hiring decision before an offer is made. Ensure appropriate justification for all non-affirmative hires.
- Conduct periodic reviews of compensation system(s) to determine if there are apparent disparities based on gender, race, ethnicity, or disability. If disparities cannot be justified in terms of performance, length of services, and so on corrective actions will be taken.
- Provide professional development training around inclusion
- Conduct a Workplace Diversity Climate Survey
- Develop a system office Diversity Team

Previous Year's Activities

A number of strategies were used in retention efforts including:

- A wellness program was initiated by the Human Resources office
- A Lunch-N-Learn program was developed for supervisors and managers
- A benefits and safety fair was held

Assignment of Responsibility

Chief Diversity Officer, System Office Chief Human Resources Officer, all administrators, managers, and supervisors.

Target Dates for Completion

Annually or ongoing.

Evaluation

Records will be maintained annually on the number of protected-class hires achieved and retained.

Objective 3: Promoting Diversity Awareness and Enhancing System Office Climate

Action Steps

- Plan and provide programs and events relating to diversity with the ultimate goal of increasing the cultural competency of staff. Between four and six professional development opportunities will be offered throughout the year and will address topics of diversity and multiculturalism.
- Facilitate dialogue about community issues
- Involve supervisors and managers in hosting diversity programs and events throughout the year.
- Reinstate the System Office Diversity Team, composed of members from various work units, to create a welcoming work environment.
- Develop a Community Advisory Committee
- Continue working on the action plan from the Workplace Diversity Climate Survey, which was conducted in 2010.

Assignment of Responsibility

Chief Diversity Officer and Diversity and Equity staff, System Office Chief Human Resources Officer, all administrators, managers, and supervisors.

Target Dates for Completion

Annually or ongoing.

Evaluation

Climate survey results

XI. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

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

The system office will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. The system office will use the monitoring the hiring process form for every hire 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 the system office cannot justify a hire, the system office takes a missed opportunity. System office hiring managers will be asked to justify the missed opportunity. The system office will report the number of affirmative and non-affirmative 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.

All personnel involved in the selection process will be trained and accountable for the system office's commitment to equal opportunity and the affirmative action program and its implementation.

B. Pre-Review Procedure for Layoff Decisions

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

If it is determined that there is an adverse impact on protected groups, the system office 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. The system office university will determine if other alternatives are available to minimize the impact on protected groups.

C. Other Methods of Program Evaluation

Our system office submits the following compliance reports to Minnesota Management and Budget as part of our efforts to evaluate our affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (within 30 days of final disposition).

The system office also evaluates our Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and

- Discusses progress with system office leadership on a periodic basis and makes recommendations for improvement.

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure system office recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and to assist in meeting our system office affirmative action goals to achieve a diverse workforce.

Each system office division is expected to have budget resources to support searches. Specific amounts may vary in individual searches but can range from minimal costs to several thousand dollars, depending on the nature and scope of the position.

Below are various recruitment methods or strategies utilized by the system office, during the past year.

A. Advertising Sources

The system office belongs to the Upper Midwest Higher Education Recruitment Consortium (HERC). Our yearly dues are \$26,500. Membership entitles HERC institutions to post all faculty and staff job openings on HERC's collective website. All of our job postings are scraped from the Minnesota State Colleges and Universities Job Opportunities website and go to the national Higher Education Recruitment Consortium (HERC) job board as well as the following job boards: Directjobs, Glassdoor, Hero2Hired (veterans), Juju, Oodle, and SimplyHired. HERC's top priority is recruiting faculty and staff of color. Through HERC the system office reaches out to diverse job seekers through attendance and materials at key national and regional conferences and career fairs, advertisements on diversity-oriented higher education websites, direct mailings to minority-servicing organizations, and the establishment of partnerships with diversity-targeted fellowship and foundation programs.

In 2013, the system office paid \$1,057 to advertise for 12 months with Minnesotadiversity.com which also includes targeted outreach to communities of color, women, disability organization and and veteran organizations. In addition, system office positions are posted at : MinneapolisDiversity.com, Minnesotajobnetwork.com, Kare11.com, Minnesotadiversity.com, StPaulDiversity.com, JobsinMinneapolis.com, JobsinStPaul.com, JobsinBloomington.com, JobsinDuluth.com, JobsinRochester.com, JobsinMankato.com, JobsinStCloud.com, JobsinMoorhead.com, and JobsinWinona.com.

B. College and University Recruitment Events

Through HERC the system office reaches out to diverse job seekers through attendance and materials at key national and regional conferences and career fairs, advertisements

on diversity-oriented higher education websites, direct mailings to minority-servicing organizations, and the establishment of partnerships with diversity-targeted fellowship and foundation programs.

C. Recruitment of Individuals with Disabilities

Through MinnesotaDiversity.com our job openings are distributed to over 75 disability organizations throughout the state of Minnesota, including Vocation Rehabilitation Programs, Twin Cities Rise, PossAbilities of Southern Minnesota, Options – Interstate Center for Independent Living, ACT, CHOICE, Duluth Lighthouse for the Blind, Lifeworks,, Hearing Loss Association of America and the Courage Center.

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

The system office 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 individuals with disabilities to recruit for these positions.

XIII. RETENTION PLAN

Our system office 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. Individuals Responsible for System Office’s Retention Program/Activities

Leon Rodrigues, Chief Diversity Officer, 651-201-1746, Leon.rodrigues@so.mnscu.edu
Victoria DeFord, Chief Human Resources Officer, 651-201-1664
Victoria.deford@so.mnscu.edu

B. Separation and Retention Analysis by Protected Groups

The Chief Human Resources Officer and the Affirmative Action Officer meet every 6 months to review the separation data to determine if further action is necessary. In addition, the Chief Human Resources Officer offers a separation interview to every employee that leaves system office employment.

C. Methods of Retention of Protected Groups

The system office uses the following methods to focus on retention over the next two years to ensure that protected group members are being retained:

- Creating and implementing a system office diversity committee to provide direction to the diversity staff increasing opportunities for cultural compentecny training;
- Creating and implementing networking opportunities; and
- Implementing a welcoming onboarding process.

APPENDIX

A. Complaint of Discrimination/Harassment Form

COMPLAINT OF DISCRIMINATION/HARASSMENT FORM

MnSCU System Office, College, or University Name

Street Address

City, State Zip Code

Telephone Number

PLEASE READ BEFORE COMPLETION OF FORM

Any complaint of discrimination/harassment is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether discrimination/harassment 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.

Complainant (You)

Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
College or University	Division	Manager

Respondent (Individual Who Discriminated Against/Harassed You)

Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
College or University	Division	Manager

The Complaint

MINNESOTA STATE COLLEGES AND UNIVERSITIES
AFFIRMATIVE ACTION PLAN 2014-2016

Basis of Complaint ("X" all that apply): <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"><input type="checkbox"/> Race</div> <div style="width: 33%;"><input type="checkbox"/> Disability</div> <div style="width: 33%;"><input type="checkbox"/> Sexual Orientation</div> <div style="width: 33%;"><input type="checkbox"/> Sex</div> <div style="width: 33%;"><input type="checkbox"/> Marital Status</div> <div style="width: 33%;"><input type="checkbox"/> Status with Regard to Public Assistance</div> <div style="width: 33%;"><input type="checkbox"/> Age</div> <div style="width: 33%;"><input type="checkbox"/> National Origin</div> <div style="width: 33%;"><input type="checkbox"/> Membership or Activity in a Local Human Rights Commission</div> <div style="width: 33%;"><input type="checkbox"/> Gender Identity</div> <div style="width: 33%;"><input type="checkbox"/> Gender Expression</div> <div style="width: 33%;"><input type="checkbox"/> Religion</div> <div style="width: 33%;"><input type="checkbox"/> Creed</div> <div style="width: 33%;"><input type="checkbox"/> Color</div> </div>	
Date most recent act of discrimination/harassment took place:	If you filed this complaint with another college or university, give the name of that college or university:
Describe how you believe that you have been discriminated/harassed against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.	

Information on Witnesses Who Can Support Your Case		
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.

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MINNESOTA STATE COLLEGES AND UNIVERSITIES
AFFIRMATIVE ACTION PLAN 2014-2016

This complaint is being filed on my honest belief that the State of Minnesota has discriminated against/harassed 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

APPENDIX

B. Employee/Applicant Request for ADA Reasonable Accommodation Form



**State of Minnesota – Minnesota State Colleges and
Universities System Office
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 the system office, college, or university human resources representative, ADA Coordinator or designee, the system office, college, or university legal counsel, or any other individual who is authorized by the 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, the 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).*

1. What, if any job function are you having difficulty performing?
2. What, if any employment benefit are you having difficulty accessing?

State of Minnesota –System Office
Reasonable Accommodation Request Form, Page 2

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.

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: _____

APPENDIX C. Underutilization Analysis Worksheets – On file

Appendix D. Separation Analysis by Protected Groups Worksheets – On file