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**STATE OF MINNESOTA**

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# **MINNESOTA STATE ACADEMIES**

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**Affirmative Action Plan**

**August 2016 – August 2018**

615 Olof Hanson Drive

Faribault, Minnesota 55021

This document can be made available upon request in alternative formats by contacting Human Resources at [martina.hagen@msa.state.mn.us](mailto:martina.hagen@msa.state.mn.us) or 507-384-6603.

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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 Protected Groups

PROTECTED GROUPS			
Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators			
Professionals		XX	
Office/Clerical			
Technicians/Paraprofessionals		XX	
Skilled Craft			
Service Maintenance		XX	XX

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

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

Affirmative Action Officer Signature: Martina Saegun Date: 8/12/2016

HR Director/Designee Signature: Martina Saegun Date: 8/12/2016

Commissioner/Agency Head Signature: [Signature] Date: 8/12/2016

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**II. STATEMENT OF COMMITMENT**

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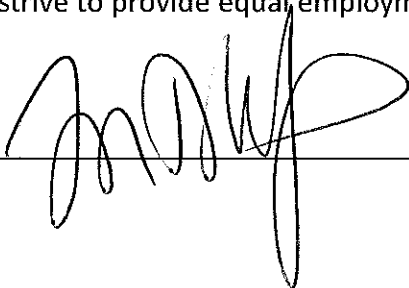
This statement reaffirms Minnesota State Academies is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- 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, sexual orientation, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency 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, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the agency’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.

Commissioner/Agency Head Signature: \_\_\_\_\_



Date: 8/12/2016

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

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#### A. Commissioner or Agency Head

Terry Wilding, Superintendent

**Responsibilities:**

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency'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 agency 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 Superintendent is accountable directly to the MSA Board and Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

#### B. Affirmative Action Officer or Designee

Martina Hagen, Affirmative Action Officer

**Responsibilities:**

The Affirmative Action Officer or designee is responsible for implementation of the agency's affirmative action and equal opportunity program, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

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**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 agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the agency's Superintendent 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 an agency-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 agency'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 agency 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 Superintendent on matters pertaining to affirmative action and equal opportunity.

**C. Americans with Disabilities Act Coordinator or Designee**  
**Martina Hagen, ADA Coordinator**

**Responsibilities:**

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The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the agency'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 agency management with regard to the Americans with Disabilities Act in the development and implementation of the agency'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 agency's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

**Accountability:**

The Americans with Disabilities Act Coordinator reports directly to the MSA Superintendent.

**D. Human Resources Director or Designee**  
**Martina Hagen, Human Resources Consultant**

**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 agency.

**Duties:**

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

- 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;



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- 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 the MSA Superintendent.

**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 agency's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

**Duties:**

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

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the agency'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;

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- 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 directly or indirectly to the MSA Superintendent.

**F. All Employees**

**Responsibilities:**

All employees are responsible for conducting themselves in accordance with the agency'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, familial 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 MSA Superintendent.

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**IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN**

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The following information describes the methods that the agency 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 agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.

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- The agency's Affirmative Action Plan will be available to all employees on the agency's internal website at [www.msa.state.mn.us](http://www.msa.state.mn.us) or in print copy to anyone who requests it. As requested, the agency 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 agency's Affirmative Action Plan is available on the agency's external website at [msa.state.edlioschool.com](http://msa.state.edlioschool.com) or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."

Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

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**V. POLICY PROHIBITING DISCRIMINATION AND HARASSMENT**

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**Minnesota State Academies HARASSMENT AND VIOLENCE POLICY #413**

**I. PURPOSE**

The purpose of this policy is to maintain learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the Minnesota State Academies to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any pupil, teacher, administrator or other Academies personnel to harass a pupil, teacher, administrator or other Academies personnel or group of students, teachers, administrators, or other school personnel

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through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability as defined by this policy. (For purposes of this policy, Academies personnel include board members, staff, agents, volunteers, contractors or persons subject to the supervision and control of the Minnesota State Academies.)

- C. A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of the Minnesota State Academies inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator or other Academies personnel or group of students, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The Minnesota State Academies will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

**III. DEFINITIONS**

- A. "Assault" is:
  - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
  - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
  - 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Protected Classifications; Definitions

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1. "Age" means the person is over the age of 25 years.
2. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
  - a. has a physical, sensory, or mental loss which materially limits one or more major life activities;
  - b. has a record of such an loss; or
  - c. is regarded as having such an loss.
3. "Familial status" means the condition of one or more minors being domiciled with:
  - a. their parent or parents or the minor's legal guardian; or
  - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
4. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identify, situation, actions, or beliefs of a spouse or former spouse.
5. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
6. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
7. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
8. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

#### E. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, or education; or
  - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or

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creating an intimidating, hostile or offensive employment or educational environment.

2. Sexual harassment may include but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;
  - c. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of gender.

**F. Sexual Violence; Definition**

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - b. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
  - c. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

**G. Violence; Definition**

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

**IV. REPRISAL**

The Minnesota State Academies will discipline or take appropriate action against any pupil, teacher, administrator or other Academies personnel who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy or any

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person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment, or intentional disparate treatment.

#### **V. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

#### **VI. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the Minnesota State Academies from taking immediate action to protect victims of alleged harassment, violence or abuse.

#### **VII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be conspicuously posted throughout each MSA building in areas accessible to students and staff members.
- B. This policy shall be given to each Academies employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The Minnesota State Academies will develop a method of discussing this policy with students and staff.
- E. The Minnesota State Academies may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

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**VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT**

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**REPORTING PROCEDURES (see MSA Policy #413)**

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator or other Academies personnel of the Minnesota State Academies, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator or other Academies personnel or group of students, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate Minnesota State Academies official designated by this policy. The Minnesota State Academies encourages the reporting party or complainant to use the report form available from the MSAB Director, the MSAD Director or from the Minnesota State Academies Administrator's office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Academies human rights officer or to the Academies Administrator.
- B. On Each Campus. The Director, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at MSAB and MSAD. Any adult Academies personnel who receive a report of harassment or violence prohibited by this policy shall inform the report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Academies Administrator or the Minnesota State Academies human rights officer by the reporting party or complainant. Academies personnel who fail to inform the building report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.
- C. Upon receipt of a report, the building report taker must notify the Academies human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.



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- D. For the Agency. The Minnesota State Academies board hereby designates the Human Resources Director as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the Academies Administrator.
- E. The Minnesota State Academies shall conspicuously post the name of the human rights officer, including mailing address and telephone number.
- F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The Minnesota State Academies will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Minnesota State Academies' legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

### INVESTIGATION

- A. By authority of the Minnesota State Academies, the human rights officer, upon receipt of a report or complaint alleging harassment or violence, prohibited by this policy, shall immediately undertake or authorize an investigation. The investigation may be conducted Academies officials or by a third party designated by the Minnesota State Academies.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the Minnesota State Academies should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

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- D. In addition, the Minnesota State Academies may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other Academies personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The Minnesota State Academies human rights officer shall make a written report to the Academies Administrator upon completion of the investigation. If the complaint involves the Academies Administrator, the report may be filed directly with the MSA board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

**SCHOOL DISTRICT ACTION**

- A. Upon completion of the investigation, the Minnesota State Academies will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Minnesota State Academies' action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and MSA policies.
- B. The result of the Minnesota State Academies investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Minnesota State Academies in accordance with state and federal law regarding data or records privacy.

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**VII. REASONABLE ACCOMMODATION POLICY**

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**Minnesota State Academies' REASONABLE ACCOMMODATION POLICY #440**

**I. PURPOSE**

It is the state's policy to reasonably accommodate qualified individuals with physical or mental disabilities, who are employees, applicants or employees seeking promotion, in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. The Leadership of the Department of Employee Relations is committed to the fair and equal employment of people with disabilities, and understands that in many cases, reasonable accommodation is the key to this employment.

**II. DEFINITIONS**

- A. **Person with a disability.** A person with a disability is one who...

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...has a physical or mental impairment that substantially limits one or more major life activities or

...has a record of such an impairment, or

...is regarded as having such an impairment

- B. **Reasonable accommodation.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.
- C. **Undue hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature of the operation of the agency.

**III. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION – EMPLOYEE**

- A. The employee will inform her/his supervisor of the need for an accommodation. The employee or the supervisor if requested by the employee will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan. If necessary, the supervisor will work with the ADA Coordinator to obtain documentation of the individual's functional limitations.
- B. When an accommodation has been requested, the supervisor will, in consultation with the employee:
- Discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis);
  - Determine the precise job-related limitation(s);
  - Identify potential accommodations and assess the effectiveness of each; and
  - Select and implement the most appropriate accommodation for both the individual and the employer.
- C. The supervisor and/or employee may seek technical assistance from the agency ADA coordinator/AAO as needed.
- D. If the supervisor is unable to make a decision about a requested accommodation, s/he will forward the written request for accommodation along with her/his recommendation to the division manager within five working days of the employee's request. If the division manager is unable to make a decision, the request will be forwarded along with her/his recommendation to the Commissioner within 10 days of the employee's initial request. The Commissioner, working with the agency's ADA

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Coordinator, will make the decision and provide the response to the division manager and the employee within 10 working days after receiving the request.

- E. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship in the operation of the agency, the employee and ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.
- Look for a vacant position that is equivalent to the one held by the employee.
  - If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.
  - Look for transfer, mobility, noncompetitive and competitive opportunities.

**IV. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION – JOB APPLICANT**

- A. When a request for accommodation is received from a job applicant, the supervisor and a staff member from the Office of Human Resources will discuss alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.
- B. If the supervisor and the staff member from the Office of Human Resources are unable to make a decision, they will forward a written request for accommodation along with a recommendation to the ADA Coordinator/AAO within 3 days following the request.
- C. If the request is approved, the supervisor will make sure that the accommodation is provided. If the request is not approved, the ADA coordinator/AAO will inform the applicant in writing within 3 working days.

**V. THE FUNDING OF ACCOMMODATIONS**

- A. Funding will be approved by the department for reasonable accommodations which do not cause an undue hardship. The supervisor and/or division manager will determine the funding source, either general or revolving fund, at the time of the request.

**VI. PROCEDURE FOR DETERMINING WHETHER REQUESTED ACCOMMODATION IS AN UNDUE HARSHIP**

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- A. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor and Affirmative Action Officer/ADA Coordinator will meet with the division manager to review the requested accommodation(s), and will consider:
  - The nature and cost of the accommodation in relation to the size and financial resources of the state as an employer; and
  - The impact of the accommodation on the nature or operation of the department.
- B. If the division manager determines that the accommodation will impose an undue hardship, the AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the Commissioner within 10 working days following the employee's request or within three working days following an applicant's request.
- C. The Commissioner will provide a decision in writing to the AAO, supervisor, division manager, and the employee or applicant within 3 working days after receipt of the analysis and recommendations.

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## VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

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

Every individual has a responsibility to develop their own personal emergency evacuation plan that is consistent with the Academies' overall safety plan; this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each agency 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 agency contact(s) below to request the type of assistance they may need.

Agency contacts: Martina Hagen, Human Resources, 507-330-6603, [martina.hagen@msa.state.mn.us](mailto:martina.hagen@msa.state.mn.us).

### **Evacuation Options:**

Individuals with disabilities have four basic, possibly five, evacuation options:

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- Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- Stairway evacuation: Using steps to reach ground level exits from building;
- Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone communication device, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and immediately report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- 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; ~~and/or~~
- Education staff are expected to remain with students assigned to them throughout the evacuation.

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

Individuals with disabilities shall 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 MSAD buildings are 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 MSAB buildings are 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

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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.

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**IX. GOALS AND TIMETABLES**

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

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Table 2. Underutilization Analysis and Hiring Goals for 2016-2018

Job Categories	UNDERUTILIZATION – # OF INDIVIDUALS				HIRING GOALS FOR 2016-2018			
	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Women	Ethnic Minorities	Racial/ Individuals With Disabilities	Women	Individuals With Disabilities
Officials/Administrators	0	0	0	NA	NA	NA	NA	NA
Professionals	0	7	0	NA	2	NA	NA	NA
Office/Clerical	0	0	0	NA	NA	NA	NA	NA
Technicians/Paraprofessionals	0	8	0	NA	3	NA	NA	NA
Skilled Craft	0	0	0	NA	NA	NA	NA	NA
Service Maintenance	0	3	1	NA	1	1	NA	1



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**Availability:**

The agency determined the recruitment area to be Statewide Labor Force Availability for all job categories because a majority of hires are from Faribault and the surrounding communities such as Owatonna, and Northfield and not from the St. Paul/Minneapolis Metro area. The agency attracts and hires some teachers and other related services school professionals from other states, but the Nationwide Labor Force Availability statistics were not used for two reasons. First, the Nationwide Labor Force Availability statistics do not separate teaching and related services positions from other professional positions. Second, the majority of the other non-teaching professional hires made at the agency are from within the state of Minnesota.

In conducting its underutilization analysis, the agency used the two-factor analysis method. The agency determined it was best to use this type of analysis because 30%-50% (depending on the EEOC category) of vacancies in 2014-2016 were filled through internal promotions, demotions, transfers and other types of internal change/movement.

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 agency, the population of women is not underutilized in any of the EEOC job categories. The agency's 2014-2016 Affirmative Action Plan Transmittal form shows an underutilization of women in a Craft/Maintenance/Labor category, however, there is no numerical underutilization data included in the 2014-2016 plan for comparison purposes. In the 2016-2018 plan Skilled Craft is a separate category from Service Maintenance/Labor positions. Skilled Craft are trades positions and only four positions at MSA fall in this category (Electrician, Carpenter, & two Plant Maintenance Engineers). These positions require a license/certification and/or a higher level of education & training than positions in the Service Worker category (General Maintenance Workers, Food Service Workers, Cooks, & Grounds Workers), and the availability of women in the Skilled Craft category is much lower. The two factor analysis shows no underutilization of women in this category because of the limited numbers of Skilled Craft positions at the agency. It's a goal of the agency to keep a separate Skilled Craft category to keep the agency cognizant of recruiting for and monitoring the female applicants who apply to vacancies in this category. The number of positions and anticipated vacancies in the Skilled Craft category is not expected to increase during the next two years and hiring a female into this category is an ambitious goal.

We will continue to monitor our appointment and separation numbers quarterly to maintain a zero underutilization for this protected group during the bi-annual plan year.

**Minorities:**

At the agency, the population of minorities is underutilized and has not improved in the following job categories: Professionals, Technicians/Paraprofessionals & Service Maintenance. The goal is to decrease the underutilization by about one-third and hire two (2) minorities in the Professional category, three (3) in the Paraprofessionals/Technicians category and one (1) in the Service Maintenance category during the bi-annual plan years. The agency will focus on recruitment efforts

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that target minority populations and will work closely with MMB's statewide recruiter and recruitment network and the local community for resources and ideas in reaching minority populations.

**Individuals with Disabilities:**

Our agency serves adolescents who are deaf and hard of hearing and blind and visually impaired, and it is critical our employee base be representative of the students we serve. The agency actively recruits for and hires individuals with disabilities. The 2014-2016 plan does not show any underutilized of individual with disabilities within any category. Because individuals with disabilities are well-represented at our agency the two factor analysis increases the availability numbers and we do have an underutilization of one (1) individual in the Service Maintenance category. The goal is to eliminate the underutilization in this category and to maintain zero underutilization in all other categories.

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## X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

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In pursuing the agency's commitment to affirmative action, the agency will take the following actions during 2016-2018:

**Objective #1:** To actively monitor and measure progress toward Affirmative Action Plan hiring goals and ensure compliance with state affirmative action statute and Minnesota and Management and Budget affirmative action reporting requirements.

**Action Steps:**

1. Review job qualifications to ensure job relatedness.
2. Develop a structured vacancy filling process and checklist for supervisors and managers which includes steps for the Affirmative Action Officer to monitor protected class status in the selection of interview candidates and before a job offer is made to a final candidate.
3. Monitoring the Hiring Process form is completed for each new hire.
4. Quarterly Affirmative Action reports are submitted to MMB.

**Evaluation:** This is always an ongoing objective in every Affirmative Action Plan and a necessary objective to monitor in order to reduce the underutilization and meet the goals in this plan.

**Objective #2:** Devise a plan for recruiting and attracting minority populations to apply for vacancies at the agency.

**Action Steps:**

1. Affirmative Action Officer participates in MMB's statewide recruiter's network sessions.
2. Collaborate with the State's multi-cultural councils such as the Council on Black Minnesotans, the Chicano Latino Affairs Council, Indian Affairs Council, and the Asian Pacific Affairs Council to develop minority recruitment networks.
3. Find and collaborate with local community organizations and groups supporting the employment of minority populations.
4. Develop a list of publications and other sources frequented by minority populations to advertise agency vacancies.
5. Post links to the Affirmative Action Plan on MSA, MSAB, and MASD websites.

**Evaluation:** This is the protected class with the most underutilization for the agency and specific recruitment plans for this population has not been a goal in previous affirmative action plans.

**Objective #3:** Build support mechanisms for managers and supervisors to promote and manage to equal employment opportunity and affirmative action goals.

**Action Steps:**

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1. Distribute sample Affirmative Action Responsibility statement to supervisors/managers with instructions to include it in their position description.
2. Provide training to supervisor and managers on Title 1 (Employment) of the Americans with Disabilities Act (ADA) to ensure that supervisors are aware of and able to implement requirements of Title I (Employment) of the Americans with Disabilities Act (ADA).
3. Develop a process for distributing Affirmative Action related polices to new hires during orientation and current employees at the beginning of each school year.

**Evaluation:** This objective has been included in previous Affirmative Action plans. Some of the steps are new such as provided supervisor and managers with affirmative action responsibility statements to include in their position descriptions.

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**XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS**

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

The Minnesota State Academies 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 Academies 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 Academies cannot justify a hire, the agency takes a missed opportunity. MSA leadership will be asked to authorize the missed opportunity. The Academies 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 Academies' commitment to equal opportunity and the affirmative action program and its implementation.

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

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

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

**C. Other Methods of Program Evaluation**

The Minnesota State Academies submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual OCR report

The Minnesota State Academies also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category (quarterly);
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact (quarterly);
- Analyzes compensation program to determine if there are patterns of discrimination (quarterly);
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested (quarterly); and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement (quarterly).

## **XII. RECRUITMENT PLAN**

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

Recruitment costs incurred during the 2014-2016 plan year total: \$200.00.

Below are various recruitment methods or strategies utilized by the agency during the past year and plans for the upcoming plan years 2016-2018.

### **A. Advertising Sources**

The Minnesota State Academies regularly uses EdPost ([edpost@stcloudstate.edu](mailto:edpost@stcloudstate.edu)) and MASA Jobsite at <http://jobsitemnasa.org>) to post vacancies in the educational programs. Postings are sent to Gallaudet University Placement ([career.center@gallaudet.edu](mailto:career.center@gallaudet.edu)) for vacancies on the Academy for the Deaf campus. These websites have proven most successful and will continue to be utilized. The state's workforce diversity e-mail distribution list will also be used to advertise vacancy positions at the academy.

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

N/A

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

N/A – we will continue to send vacancy postings to Gallaudet University and other programs across the nation having Deaf Education and/or Blind/VI programs.

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

We will continue to send vacancy postings to Gallaudet University and other programs across the nation having Deaf Education and/or Blind/VI programs. These programs have shown to have the most success in locating individuals with deaf/hh and blind/VI disabilities.

- 1) Review of job postings for physical and sensory requirements and ensure that qualifications in job postings are inclusive and do not pose any unnecessary barriers.
  - a. Our agency will review all job postings for physical and sensory requirements and determine if the qualifications for the position are job-related and consistent with business necessity. Additionally, our agency will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.
- 2) Self-Identification
  - a. At the time of application and once a year, our agency will communicate to our employees that we collect summary data related to the number of individuals who have applied for positions and who are in our workforce. We will inform employees that we collect this summary data to make determinations about where we need to improve in terms of recruitment, selection, or retention of individuals with disabilities.

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- 3) Supported Employment (M.S. 43A.191, Subd. 2(d))
  - a. The agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.
  - b. Implement and ensure that reviews of positions are taking place. We will work with VRS or the MMB State ADA Coordinator to assist us in our efforts.
- 4) Accessibility Matters Campaign
  - a. Our agency will distribute marketing material and resources to our staff to remind them to create accessible electronic documents and systems, so that employees with disabilities coming into the workforce can contribute to the workforce and will be able to access similar information and resources as other employees.
- 5) Reasonable Accommodations
  - a. We will prominently display on our career site that we will provide reasonable accommodation to qualified individuals with a disability who apply for our positions where needed. Once hired, we will educate employees, supervisors, and managers on accommodating employees in the workplace.
- 6) Strategic Partnerships
  - a. Our agency will build strategic partnerships with DEED - Vocational Rehabilitation Services ("VRS"), DEED - State Services for the Blind ("SSB"), and other state agency partners to conduct job evaluations and to assist in recruitment or referral of candidates to open positions. Our agency will work to inform VRS or SSB when a position is posted or prior to a posting, if possible, about the positions.
- 7) Self-Analysis
  - a. Our agency will conduct periodic self-checks to determine if our systems or documents are accessible, language in our job postings is inclusive, and reasonable accommodations have been provided and staff have been trained on how to provide reasonable accommodations.
- 8) Reporting
  - a. Our agency will conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of individuals with disabilities hired.

**E. Relationship Building and Outreach**

Relationship building and outreach is an objective of this current plan. The agency will reach out to the state minority councils and other organizations serving minority and disability groups to collaborate on ways to attract individuals in these protected groups in applying for vacancies at the agency.

**F. Internships**

A number of interns were placed at the Minnesota State Academies in the area of ASL interpreter; programs such as St. Catherine's University and St. Paul Community College programs request these placements. We will continue to utilize this as it provides access for possible future employees.

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

The agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with

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community organizations that provide employment services to individuals with disabilities to recruit for these positions.

**H. Additional Recruitment Activities**

Vacancy postings to websites listed above have proven to be most successful and will continue to be utilized.

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**XIII. RETENTION PLAN**

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The agency is committed to not just the recruitment of women, minorities, individuals with disabilities, and veterans, but also to the retention of these protected groups.

**A. Individual(s) Responsible for the Agency's Retention Program/Activities**

Martina Hagen, Human Resources-MSA, 507-384-6603, [martina.hagen@msa.state.mn.us](mailto:martina.hagen@msa.state.mn.us)

**B. Separation Analysis by Protected Groups**

Separation counts are much higher than the actual total separations because of multiple (concurrent) appointments employees hold. There are a larger percentage of females separating in the Technician/Paraprofessional (80%) and Professional (73%) categories. Of separations in those two categories most have been voluntary, i.e. resignations & retirements. There were two layoffs in the Professional category, but not enough data that would demonstrate a pattern of concern. The agency will continue to monitor these separations quarterly.

**C. Methods of Retention of Protected Groups**

Continue to clarify behavioral expectations within the agency through written documents and other forms of communication so that all employees understand the parameters for their interaction with one another.

Provide periodic guidance and training in compliance with state and federal law regarding diversity, preventing discrimination and harassment, as well as communication and human relations skills to enhance agency employees' ability to work respectfully and effectively with others. Continue to educate supervisors and managers about their role in creating and maintaining a diverse and productive workplace. Take appropriate action when employees behavior inappropriately toward other employees. Provide direction, guidance, and support to teaching staff with licensing irregularities.

**APPENDIX**

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

General Statement of Policy Prohibiting Harassment and Violence

Minnesota State Academies maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual



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orientation, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant \_\_\_\_\_

Home Address \_\_\_\_\_

Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability

Name of person you believe harassed or was violent toward you or another person or group.

\_\_\_\_\_

If the alleged harassment or violence was toward another person or group, identify that person or group. \_\_\_\_\_

\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.) \_\_\_\_\_

\_\_\_\_\_

Where and when did the incident(s) occur? \_\_\_\_\_

\_\_\_\_\_

List any witnesses that were present \_\_\_\_\_

\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ has harassed or has been violent to me or to another person or group. 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)

Received by \_\_\_\_\_

\_\_\_\_\_

(Date)



**State of Minnesota – Minnesota State Academies  
 Employee/Applicant Request for Americans with Disabilities Act (“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.

<b>Employee/Applicant Name:</b>	<b>Job Title:</b>
<b>Work Location:</b>	<b>Phone Number:</b>

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

**A. 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.
  - YES NO
  - a. If yes, please explain.

**B. 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

Reasonable Accommodation Request Form, Page 2

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

**Information Pertaining to Medical Documentation:** In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency 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/Applicant Signature: \_\_\_\_\_

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

**MINNESOTA STATE ACADEMIES**  
AFFIRMATIVE ACTION PLAN 2016-2018

**A. Agency Profile and Organizational Chart**

The Minnesota State Academies consists of two K-12 residential schools located in Faribault, Minnesota. Attached is the Organizational Chart.

**B. Underutilization Analysis Worksheets**

(Attach all underutilization worksheets here, including one-, two-, or multiple-factor analysis worksheets.)

**C. Separation Analysis by Protected Groups Worksheets**

(Attach the separation analysis by protected groups worksheets here. Add a narrative section about your separation analysis by protected groups under your Retention Plan.)

**D. Other Relevant Agency Information, Policies, or Documents**

(Attach these items here.)

**Minnesota State Academies**

**TWO-FACTOR AVAILABILITY ANALYSIS**

Worksheet for calculating job group availability percentages, considering internal and external availability.

Job Category: \_\_\_\_\_

A		ASSIGNED WEIGHT (%)
Internal Availability		50.00%
External Availability		50.00%
Total Assigned Weight (must equal 100%)		100.00%

		WOMEN	
		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	65.63%	32.82%
External Availability	C	44.40%	22.20%


		MINORITIES	
		Initial Statistics (%)	Weighted Statistics
Internal Availability	D	0.00%	0.00%
External Availability	E	19.50%	9.75%

		INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics
Internal Availability	F	3.13%	1.57%
External Availability	G	7.00%	3.50%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
55.02%	9.75%	5.07%

J		SOURCE OF INITIAL STATISTICS
Internal Availability		Internal promotion, demotion, transfer movement
External Availability		2010 Statewide Labor Force Availability

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

<b>Follow the instructions below to complete this worksheet.</b>	
<b>A</b>	Determine what proportions of employees in this job category come from internal and external sources (internal sources may be promotions or transfers, and external sources may be the qualified external labor force or colleges which provide students with training suited for jobs in this job group). Depending on how employees are usually placed into this job category, assign an approximate percentage value (anything from 0 to 100%) to internal and external placements. The sum of the assigned weights must equal 100%. Type in the values you've assigned into the cells in this table.
<b>B</b> <b>D</b> <b>F</b>	Initial Statistics - Internal Availability (Women, Minorities, and Individuals with Disabilities): If you have assigned any weight to internal availability, insert the availability percentage from internal sources into these cells. These percentages are usually the utilization percentages in each of the job categories from which promotions or transfers into this job category are likely. The percentages can be found in your Availability/Utilization/ Underutilization Analysis and Goals worksheet.  <i>Example: Promotions into the Officials/Administrators job category may come from an agency's Professionals job group. Out of 50 Engineering Professionals, 24 are women (48%). Type 48 for internal initial statistics for women.</i>
<b>C</b> <b>E</b> <b>G</b>	Initial Statistics - External Availability (Women, Minorities, and Individuals Disabilities): If you have assigned any weight to external availability, insert the availability percentage into these cells. Most organizations consider the qualified labor pool within their reasonable recruitment area to be the primary source of external candidates.  Other sources: If this job category consists of primarily entry-level positions, another possible source of availability may be the population of protected group members in the area where your agency is located. This information is also available from census data. If this job category has specific training requirements provided by a college or university in your area, that institution should be able to provide you with graduation or enrollment statistics. Contact MMB's Office of Diversity and Equal Opportunity if you need assistance in determining which statistics are appropriate.  <i>Example: The availability percentage of women Officials/Administrators statewide is 37.8%. Type 37.8 in this cell.</i>
<b>J</b>	List the recruitment area used to determine the initial statistics for internal and external availability.
 OFFICE OF DIVERSITY & EQUAL OPPORTUNITY Minnesota Management and Budget	

Board of MN State Academies

MN Academies Superintendent

HR Consultant 1.0  
HR Tech 2 1.0

Executive 2 1.0  
SIS Specialist 1.0

Interpreter 5.0  
Interpreter Lead 1.0  
SPA Sr./Inter 1.0

MN.IT Staff 2.0

MSAB Director 1.0

OAS Int. 1.0  
Sp. Teacher 14.0  
Braille Tech 1.0  
Music Ther. 1.0  
Adapt Tech 1.0  
SEPA 26.0

AGS 1.0  
Dorm supervisor

RPL 2.0  
HST 10.0  
Rec Program .75

MSA Physical Plant Director 1.0

OAS Int. 1.0  
PME 2.0  
Carpenter 1.0  
Electrician 1.0  
GRW 1.0  
GMW 8.0  
Grounds Int. 1.0  
Grounds & Roads 1.0

MSA Accounting Director 1.0

Acct Officer 2.0  
Acct Clerk Sr 1.0

MSA Dietitian I Supervisor 1.0

Cook Coord 1.0  
Cook 2.7  
FSW 3.5

MSA RN Supervisor 1.0

RN Senior 1.0  
RN 1.75  
LPN 2.0

MSA Special Ed Director 1.0

OAS Int. 1.0  
COTA 1.0  
PT Asst 1.0  
Speech Path 2.0  
Psychologist 3.0  
Social Worker 1.0  
Counselor 2.0  
Sp Tchr TOSA 1.0  
Rehab CC 1.0  
Sp.Tchr O&M 1.0

MSAD Director 1.0

OAS Sr. 1.0  
Sp. Teacher 23.0  
SEPA 26.0  
Librarian 1.0  
AV Ed. Spec. 1.0  
AD (.5)

AGS 1.0  
Dorm supervisor

RPL 4.0  
HST 15.0  
Rec Asst .75

# Minnesota State Academies

8/19/2016

## Minnesota State Academies 16-18 Plan

### JOB CATEGORY AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS & ANNUAL GOALS

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

WOMEN									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	3	1	33.33%	40.20%	1	No Underutilization			
Professionals	67	51	76.12%	61.23%	41	No Underutilization			
Office/Clerical	9	8	88.89%	80.39%	7	No Underutilization			
Technicians/Paraprofessionals	89	74	83.15%	69.38%	62	No Underutilization			
Skilled Craft	5	0	0.00%	0.00%	0	No Underutilization			
Service Maintenance	20	10	50.00%	55.02%	11	No Underutilization			
Totals	193	144	74.61%						

MINORITIES									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	3	0	0.00%	7.60%	0	No Underutilization			
Professionals	67	1	1.49%	7.07%	5	4			
Office/Clerical	9	0	0.00%	3.50%	0	No Underutilization			
Technicians/Paraprofessionals	89	0	0.00%	5.72%	5	5			
Skilled Craft	5	0	0.00%	0.00%	0	No Underutilization			
Service Maintenance	20	0	0.00%	9.75%	2	2			
Totals	193	1	0.52%						

INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Individ./ with Disabilities in Group	% of Individ. w/ Disabilities in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	3	1	33.33%	7.00%	0	No Underutilization			
Professionals	67	25	37.31%	13.25%	9	No Underutilization			
Office/Clerical	9	0	0.00%	2.33%	0	No Underutilization			
Technicians/Paraprofessionals	89	28	31.46%	14.42%	13	No Underutilization			
Skilled Craft	5	0	0.00%	0.00%	0	No Underutilization			



Service Maintenance	20	0	0.00%	5.07%	1	1		
Totals	193	54	27.98%					

**Two Factor Analysis Used**

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010)., released in March of 2013. Statistics for individuals with disabilities are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).