



Affirmative Action Plan

August 2016 – August 2018

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I. EXECUTIVE SUMMARY

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

Table 1: UNDERUTILIZATION ANALYSIS OF PROTECTED GROUPS

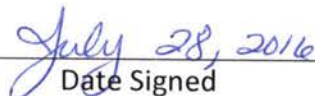
Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities	Veterans
<u>Unclassified</u>				
Officials/Administrators		X	X	X
Professionals		X	X	X
<u>Faculty</u>				
Allied Health & Nursing		X	X	X
Arts & Humanities	X	X	X	X
Business	X	X	X	X
Education		X	X	X
Libraries		X	X	X
Social & Behavioral Sciences		X	X	X
Sci, Engineering, Tech	X	X	X	X
Professional Other	X	X	X	X
<u>Classified</u>				
Exec Admin Managers	X	X		
Office/Clerical		X	X	X
Technicians	X	X	X	X
Skilled Craft		X		
Service Maintenance	X	X	X	X

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the Winona State University. Our intention is that every employee to is aware of Winona State University's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the Winona State University's website. In addition, a copy of the Plan will be provided to Winona State University's President as well as every Dean and Vice President.

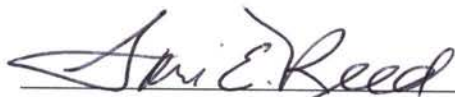
This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.



Affirmative Action Director or Designee



Date Signed



Human Resources Director or Designee



Date Signed



University President



Date Signed

II. STATEMENT OF COMMITMENT

This statement reaffirms Winona State University's 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, status with regard to public assistance, or membership or activity in a local human rights commission.
- This University 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 University 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 University 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 University will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is Winona State University'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.



University President

8-10-16

Date Signed

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

A. President

Scott Olson

201 Somsen Hall; 507-457-5003

Responsibilities:

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

Duties:

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

- Appoint the Affirmative Action Director or designee and include accountability for the administration of Winona State University'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 University 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 President is accountable directly to the Chancellor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

B. Affirmative Action Director or Designee

Lori J. Mikl, Director of Affirmative Action/Equity & Legal Affairs

202 Somsen Hall; 507-457-2766; lmikl@winona.edu

Responsibilities:

The Affirmative Action Director is responsible for implementation of Winona State University's affirmative action and equal opportunity program and oversight of Winona State University's compliance with equal opportunity and affirmative action laws.

Duties:

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

- 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;
- Prepare and oversee the Affirmative Action Plan, including development and setting of University-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the President 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 University-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 Winona State University'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 Winona State University's liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.
- Receive and investigation reports and complaints of discrimination/harassment in accordance with MnSCU/WSU's 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education and 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure and Title IX Complaints.

Accountability:

The Affirmative Action Director is accountable directly to the President and indirectly to the Chancellor on matters pertaining to affirmative action and equal opportunity.

C. Americans with Disabilities Act Coordinator or Designee

Jessica Wenzel, Human Resources Technician2 / ADA Coordinator

114I Somsen Hall; 507-457-5639; jwenzel@winona.edu

Responsibilities:

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

Accountability:

The Americans with Disabilities Act Coordinator reports directly to the Director of Human Resources.

D. Human Resources Director or Designee

Lori Reed, Director of Human Resources

114 Somsen Hall; 507-457-2790; lreed@winona.edu

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 Winona State University.

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;
- Include the Affirmative Action Director 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 Director 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 Scott Ellinghuysen, Vice President for Finance and Administration/Chief Financial Officer.

E. Administrators, Directors, Managers, and Supervisors**Responsibilities:**

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

Duties:

The duties of Administrators, Directors, Managers, and Supervisors include, but are not limited to the following:

- Assist the Affirmative Action Director in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate Winona State University'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:

Administrators, Directors, Managers, and Supervisors are accountable directly to their designated supervisor and indirectly to Winona State University President.

F. All Employees

Responsibilities:

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

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, familial status, or membership or activity in a local human rights commission.

Accountability:

Employees are accountable to their designated supervisor and indirectly to Winona State University President.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The following information describes the methods that Winona State University 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 Winona State University's leadership or alternatively, the Affirmative Action Director, to all staff on an annual basis.
- The Affirmative Action Plan is available at the following central locations so that every employee and student is aware of Winona State University's commitment to affirmative action:
 - President's Office
 - Offices of all Vice Presidents
 - Offices of all Deans
 - Offices of the Presidents of collective bargaining units
 - Winona State University Student Senate
 - Office of Affirmative Action
 - Office of Human Resources
 - Office of Institutional Diversity
 - University Library
- Winona State University's Affirmative Action Plan is available to all employees on Winona State University's internal website at www.winona.edu/affirmaction or in print copy to anyone who requests it. As requested, Winona State University 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

- Winona State University's Affirmative Action Plan is available on Winona State University's external website at www.winona.edu/affirmaction or in print copy to anyone who requests it. As requested, Winona State University will make the plan available in alternative formats.
- Winona State University's website homepage, letterhead, publications, and all job postings, will include the statement: Winona State University is a member of Minnesota State and an affirmative action/equal opportunity university.
- Winona State University aggressively publicizes, via a variety of protected group and non-protected group media sources, our commitment to the recruitment and employment of individuals with disabilities, women, minorities, and veterans.
- Applicants for employment or enrollment, vendors and suppliers are informed of Winona State University's commitment to equal opportunity and affirmative action by the inclusion of a statement on all appropriate forms and applications.
- Electronic and hard copies of the Plan are available at the Minnesota Legislative Reference Library in St. Paul, Minnesota.

- 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

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 familial status or 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, gender expression, or familial status 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:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college or university; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or
3. Such conduct has the purpose 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:

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, familial status and membership or activity in a local human rights commission are protected classes in employment.

2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

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

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

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

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

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

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

Part 3. Consensual Relationships. An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

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

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

VI. 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 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.

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

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

- 1. conduct or coordinate education/training;
- 2. facilitate voluntary meetings between the parties;

3. recommend separation of the parties, after consultation with appropriate system office, college or university personnel;
4. other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
5. the system office, college or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;
6. upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

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

1. **Designated officer.** The designated officer shall:
 - a.) prepare an investigation report and forward it to the decisionmaker for review and decision;
 - b.) take additional investigative measures as requested by the decisionmaker; and
 - c) be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.
2. **Decision maker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
 - a.) determine whether additional steps should be taken prior to making the decision. Additional steps may include:
 1. a request that the designated officer conduct further investigative measures;
 2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
 3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.

- b.) take other measures deemed necessary to determine whether a violation of Board Policy 1B.1 has been established;
- c.) when making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
- d.) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
- e.) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board policy 1B.1 has been violated.
- f.) Conduct that is determined not to have violated Board policy 1B.1 shall be referred to another procedure for further action, if appropriate.

Part 7. System office, college, or university action. The system office, college, or university shall take the appropriate corrective action based on results of the investigation, and the designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board Policy 1B1.1, as well as allegations of retaliation.

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the system office, college or university. In accordance with state law, the system office, college or university is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of 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 Web site, 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 Web sites 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 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. An individual with a disability:

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. Personal 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.

VIII. MNSCU'S 1B.0.1 REASONABLE ACCOMODATIONS 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.

1. 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:

- a. the accommodation would impose an undue hardship on the system office, college or university as provided under Subpart C.; or
- b. the individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or
- c. 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.

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and

A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Applicant

A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator

Each University is required to appoint an ADA coordinator or designee, depending on University size, to direct and coordinate University compliance with Title I of the ADA.

Direct Threat

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions

Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process

A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability

An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability

An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities

May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation

Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider.](#)

Reasonable Accommodation

An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or

- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.

Modifications or adjustments may include, but are not limited to:

- Providing materials in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking; or
- Providing a reassignment to a vacant position.

Reassignment

Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person

Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship

A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of Winona State University. Winona State University is not required to provide accommodations that would impose an undue hardship on the operation of the University.

General Standards and Expectations

Individuals who may request a reasonable accommodation include

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified University employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, Winona State University must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

Winona State University must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

A University applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- University Affirmative Action Director/Designee;
- University ADA Coordinator;
- University Human Resources Office;
- Any University official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs Winona State University to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to Winona State University that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

University request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required.

Supervisors or managers should consult with Winona State University ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), Winona State University must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and Winona State University to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and Winona State University. An individual may request that Winona State University ADA Coordinator, a union representative, or support person be present.

Winona State University ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

University responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

President

The University President has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

Winona State University's ADA Coordinator is the university's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. Winona State University's ADA Coordinator will work with the supervisor and manager, and where necessary, with the Director of Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

- Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and
- Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through Winona State University's ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, Winona State University's decision maker with assistance from Winona State University ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or

- Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
 4. Determine whether there is a reasonable accommodation that will be effective for the requestor and Winona State University; and
 5. Determine whether the reasonable accommodation will impose an undue hardship on Winona State University's operations.

An employee's accommodation preference is always seriously considered, but Winona State University is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, Winona State University will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, Winona State University ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. Winona State University's ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, Winona State University's ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). Winona State University ADA's Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#).

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or Winona State University may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Supervisors and managers must not request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by Winona State University ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only Winona State University ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by Winona State University ADA Coordinator.

Winona State University ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or University HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate University compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and Winona State University ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by University equal opportunity officials to maintain records and evaluate and report on Winona State University's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, Winona State University ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of

the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by Winona State University ADA Coordinator.

Funding for reasonable accommodations

Winona State University must specify how Winona State University will pay for reasonable accommodations.

Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

Winona State University ADA Coordinator will work with University Human Resources staff and the requestor to identify appropriate vacant positions within Winona State University for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, Winona State University will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that Winona State University consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

Winona State University ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. Winona State University may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from Winona State University ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to Winona State University making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with Winona State University's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, Winona State University considers factors such as the nature and cost of the accommodation in relationship to the size and resources of Winona State University and the impact the accommodation will have on the operations of Winona State University.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, Winona State University will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, Winona State University must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an University official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to Winona State University's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

IX. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

A copy of Winona State University's weather and emergency evacuation plans can be found at:

- **General Campus Emergency Management:** <http://www.winona.edu/emergency/preparedness.asp>
- **University Severe Weather Notification Plan:** <http://www.winona.edu/emergency/preparedness.asp>
- **Star Alert:**
<http://www.winona.edu/staralert.asp>
- **Emergency Operations and Crisis Preparation Plan:**
[http://www.winona.edu/emergency/Media/Emergency Operations Plan and Crisis Preparedness.pdf](http://www.winona.edu/emergency/Media/Emergency%20Operations%20Plan%20and%20Crisis%20Preparedness.pdf)

Knowledge and preparation by both individuals needing assistance and those who do not 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 plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee at Winona State will work to develop a plan and consult the appropriate building and safety personnel.

Administrators, 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 Winona State University contact(s) below to request the type of assistance they may need.

Jessica Wenzel
Human Resources Technician 2 / Employee ADA Coordinator
114I Somsen Hall
507-457-5639
jwenzel@winona.edu

Chris Cichosz
Director of Campus Security
118 Sheehan Hall
507-457-5158 (office)
507-457-5555 (emergency line)
ccichosz@winona.edu

EVACUATION PROCEDURES

1. Building Evacuation

- All building evacuations will occur when an alarm is sounded and/or upon notification from Maintenance/Security/Building Captains or Administration. (Refer to exception for an Active Shooter in Evacuation Plan).
- When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same. If emergency personnel direct you to another exit based on the type of emergency, follow their directions.
- Do not use elevators in case of fire, tornado, or earthquake.
- Once outside, proceed to a clear area that is at least 500 feet away from the affected building(s). Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and personnel. Evacuate further if directed by emergency personnel.
- Do not return to an evacuated building until an all clear is given by emergency personnel.

2. Shelter-in-Place

One of the instructions you may be given in an emergency where hazardous materials may have been released into the atmosphere is to shelter-in-place. This is a precaution aimed to keep you safe while remaining indoors. (This is not the same as going to a shelter in the event of a storm or tornado). Shelter-in-Place means selecting a small, interior room with no or few windows, and taking refuge there.

Depending on the type of emergency and directives received from authorities and emergency personnel the following options are available depending upon the emergency and/or disaster.

- Closing of the University and activation of the University's Crisis Plan.
- Follow reverse evacuation procedures and bring students, faculty, and staff inside.
- Monitor television, radio, and other forms of communication for information regarding the threat/emergency and follow their directions.
- Bring everyone in the building. Shut and lock the door.
- Gather emergency supplies if possible.

- Close windows, secure doors, and duct tape if told to do so.

3. Evacuation for People with Disabilities

The most important factor in emergency planning for people with disabilities is advanced planning.

A. In all emergencies after an evacuation is ordered evacuate people with disabilities if possible.

- Do not use elevators, unless directed to do so by police or fire personnel. Elevators can fail in certain situations.
- If situation is life threatening call the police/fire departments immediately (911).
- Check on people with special needs during an evacuation. A buddy system, where people with disabilities arrange for volunteers to alert them and assist them in an emergency is a good method.
- Always ask someone with a disability how you can help before attempting any rescue technique or providing assistance. Ask how he or she can best be assisted or moved and whether there are any special considerations or items that need to come with the person.
- If you are unable to evacuate a disabled person contact law enforcement or fire personnel and be able to provide them with the person's location that needs assistance in evacuating.
- Students should inform faculty members of their special needs regarding evacuation, especially prior to an emergency or disaster.

B. Response to emergencies (blindness and visual impairment)

- Offer to lead them out of the building to safety.
- Give verbal instructions about the safest route or direction using compass directions, estimate distances, and directional terms.
- Do not grasp a visually impaired person's arm. Ask if he or she would like to hold onto your arm as you exit, especially if there is debris or a crowd.

C. Response to emergencies (deafness or hearing loss).

- Get the attention of a person with a hearing disability by touch and eye contact. Clearly state the problem. Gestures and pointing are helpful, but be prepared to write a brief statement if the person does not seem to understand.
- Offer visual instructions to advise of safest route or direction by pointing toward exits or evacuation maps.

D. Response to emergencies (mobility impairment).

- It may be necessary to clear the exit route of debris (if possible) so that the person with a disability can move out or to a safer area.
- If people with mobility impairments cannot exit, they should move to a safer area for example:
 - Most enclosed stairwells
 - An office with the door closed, which is a good distance from the hazard
- Notify police or fire personnel immediately about any people remaining in the building and their locations.
- Police or fire personnel will decide whether people are safe where they are and will evacuate them as necessary.
- If people are in immediate danger and cannot be moved to a safer area to wait for assistance, it may be necessary to evacuate them using an evacuation chair or a carry technique.
- Building Captains when possible will assist in the coordination of evacuations and/or shelter-in-place.

EVACUATION

In the event a limited or mass evacuation of any part of Winona State University, officials will instruct members of the campus community where to evacuate to and/or what staging areas will be used to coordinate transportation to safe areas. There are a number of designated staging areas which are listed within this manual that members of the campus community are encouraged to become familiar with them. However, these areas may change depending on the nature and extent of the emergency and/or disaster.

The Incident Commander and/or emergency personnel will coordinate the evacuation of members of the campus community to designated safe areas

On limited evacuations faculty, staff and students may be directed to safe areas outside the affected building and/or area. Winona State University Security will allow those displaced members access to facilities when necessary based on inclement weather, special needs, etc.

Buildings (mentioned below) located next to the staging areas will become part of the staging areas if possible to provide shelter and comfort until individuals can be transported to safe areas.

Designated Staging Areas:

- A. Main Campus
 - Kryzsko Commons (west side)
 - Memorial Hall (Main Street)
- B. East Lake Apartments
 - Building A (west side of building)
- C. West Campus (Residential College)
 - Lourdes Hall (east side of building, Gould Street, main entrance)
 - Tau Hall and area to the east.
- D. Wabasha Hall
 - North entrance, main level, Wabasha Street (7th Street).

Please note that the location of staging areas may change based on the extent and nature of the emergency/disaster. Members of the campus community will be directed to the above and/or alternate staging areas by emergency personnel and/or University officials when appropriate.

Evacuation – Levels (I, II, & III)

Winona State University has several forms of transportation that will be provided to transport members of the campus community to safe areas in the event of a disaster and/or emergency. The method and source of the transportation will depend on the extent and nature of the emergency, specific needs and number of individuals to be transported.

- Level I Evacuation

Level I involves a limited evacuation of a specific building and/or area with a population that is relatively small. Winona State University Security, Facilities Services and/or Winona State University Shuttle Services will be used to transport and/or direct members of the campus community to safe areas.

- Level II Evacuation

Level II involves a larger scale evacuation of buildings and individuals to safe areas. Depending on the nature and extent of the emergency all resources used during a Level I evacuation will be used along with Transit Buses from the City of Winona and/or buses from Philip's Bus Service.

- Level III Evacuation

Level III evacuations is generally required when a large number of buildings are affected, entire campuses, and/or a large amount of people need to be moved. All resources available to the University may be used in the event of a Level III evacuation.

City of Winona Transit Buses - Evacuation

In the event additional assistance is needed in evacuating members of the campus community the following options are available to move students, faculty, staff and visitors to safe areas.

Winona State University in agreement with the City of Winona the University will use Transit Buses in the event their services are needed to evacuate students, faculty and staff. If an evacuation is ordered and Transit Buses are needed the University will contact the Winona Police Department. The police shall be informed that Transit Buses are needed for an evacuation, the number of buses needed, the amount of individuals to be evacuated, and the location of the staging area.

Lockdowns

A lockdown is an emergency course of action ordered by a person or persons in command, such as law enforcement, WSU administration, to contain a problem or incident within the area of origin by controlling the movement of people. When considering a lockdown of campus facilities, campus authorities will take into account the severity and urgency of the problem or threat and the imminent danger to persons on the campus.

When a lockdown is ordered members of the campus community are encouraged to take appropriate action immediately. The university may use a number of different options in making notification to the campus community.

For information concerning lockdowns refer to the “Violent Behavior” section of the Crisis Preparedness Plan. The Crisis Preparedness Plan may be located online at:
http://www.winona.edu/emergency/media/emergency_operations_plan_and_crisis_preparedness.pdf

Safe Areas:

- West Campus (Residential College)
- Minnesota State College – Southeast Technical (Winona Campus)
- St. Mary’s University

X. GOALS AND TIMETABLES

In order to identify Winona State University's hiring goals for the 2016-2018 hiring cycle, the University conducted a utilization analysis for minorities, women, persons with disabilities, and veterans. The inclusion of veterans was a new protected group for the previous 2014-2016 Plan. In order to ensure up-to-date information on all employees, the University sent a survey to all University employees asking that employees voluntarily provide protected group information.

Winona State University broadly categorizes its employees as either unclassified or classified employees.

Unclassified employees are those who are members of the following groups:

- Unit 209 – Inter Faculty Organization (IFO) Bargaining Unit
- Unit 211 – Minnesota State University Association of Administrative and Science Faculty (MSUAASF) Bargaining Unit
- Unit 220 – Administrators covered in the Personnel Plan for MnSCU Administrators

Classified employees are those who are members of the following groups:

- Unit 202 – Craft, Maintenance, Labor – AFSCME, Council No. 5
- Unit 203 – Service – AFSCME, Council No. 5
- Unit 204 – Health Care Non-Professional – AFSCME, Council No. 5
- Unit 205 – Health Care Professional – MN Nurses Association
- Unit 206 – Clerical/Office – AFSCME, Council No. 5
- Unit 207 – Technical – AFSCME, Council No. 5
- Unit 213 – Health Treatment Professional – Follows Commissioner's Plan – 217
- Unit 214 – General Professional – MN Association of Professional Employees
- Unit 216 – Supervisory – Middle Management Association
- Unit 217 – Commissioner's Plan

The University's current workforce data is based upon data as of June 30, 2016. The University conducted approximately 146 probationary/permanent searches of which 12 remain pending at the time of this report. The University also made an additional 169 fixed term/emergency hires during the previous 2014-2016 hiring cycle. Those employees who have accepted positions, but did not begin employment until after June 30, 2016, are not included in the University's Workforce Utilization Analysis.

Through the utilization analysis, Winona State University has determined which job categories are underutilized for women, minorities, individuals with disabilities, and veterans within the University and has set the following hiring goals for the next two years (Reference Table 2). Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

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	Veterans	Women	Racial / Ethnic Minorities	Individuals with Disabilities	Veterans	
UNCLASSIFIED									
Officials/Administrators	0	<10	<10	<10	**	**	**	**	
Professionals	0	22	<10	11	0	10	3	4	
FACULTY									
Health/Nursing	0	16	<10	<10	0	3	1	1	
Arts & Humanities	<10	11	<10	<10	1	3	2	1	
Business	<10	<10	<10	<10	2	1	1	1	
Education	0	<10	<10	<10	0	2	1	1	
Libraries	0	<10	<10	<10	**	**	**	**	
Social/Behavioral Sciences	0	<10	<10	<10	0	2	1	1	
Science, Engineering, Technology	14	<10	<10	<10	3	2	2	1	
Professional - Other	<10	<10	<10	<10	2	2	1	1	
CLASSIFIED									
Exec Admin Mgr	<10	<10	0	0	1	1	0	0	
Office/Clerical	0	10	<10	10	0	3	2	3	
Technicians	<10	10	<10	<10	2	3	2	2	
Skilled Craft	0	<10	0	0	0	1	0	0	
Service Maintenance	<10	10	<10	<10	1	3	1	1	

** indicates a job group with no anticipated vacancies during the 2016-2018 hiring cycle.

Availability:

Winona State University determined the recruitment area to be statewide for classified job categories and nationwide for Faculty, Administrators, and Exempt Professionals. In conducting its underutilization analysis, the University used the one factor analysis as it most closely matches the University's past practice in developing this section of the Affirmative Action Plan.

Winona State University does not set hiring goals for positions other than probationary or permanent hires. As such, the University does not set hiring goals for fixed-term faculty or emergency/interim/temporary hires. Hiring goals for unclassified and classified employment are based on the Job Category Availability/Utilization/Underutilization Analysis as well as anticipated vacancies and other relevant information provided by the Office of Human Resources and the Academic Affairs Office. Underutilization Analysis worksheets are attached in Appendix C. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

If these goals have not been achieved by the end of this reporting period, Winona State may establish new goals based on current utilization levels and anticipated vacancies. In addition, when full utilization for a specific job group has been achieved, Winona State will strive to maintain a workforce that reflects the composition of the available pool of qualified applicants within the specified recruitment area.

Women:

At Winona State University, the population of women has improved in all of the following University job categories: all Colleges (excluding Allied Health & Nursing and Education which are predominately female) and Professionals, Other; Technicians; Skilled Craft; and Service Maintenance. The following job categories have more women employees than is demonstrated in the availability within the specified recruitment area: Officials/Administrators; Professionals; Allied Health & Nursing faculty; Education faculty; and Office/Clerical.

The Office of Affirmative Action in coordination with search committees and hiring managers continue to strive to advertise and promote vacancies beyond the established advertising resources such as MinnesotaDiversity, Chronicle of Higher Education, HigherEdjobs, and local and state-wide print and online media. Of significant note is the improvement in hiring women in units that have previously been male dominated such as the Colleges of Business, Science, Engineering, and Technology as well as the classified Technicians, Skilled Craft, and Service Maintenance job groups. Additional emphasis and educational sessions will be provided to search committees and hiring managers in order to assist them in achieving their hiring goals for women during the 2016-2018 Plan.

Minorities:

At Winona State University, the population of minorities has improved in the following job categories: Officials/Administrators; Professionals; all Colleges (except Business and Social/Behavioral Sciences). The

following areas remained the same as the previous 2014-2016 Plan: College of Business; classified Exec/Admin/Mgr; Skilled Craft, and Service Maintenance job groups.

The population of minorities has not improved in the following job categories: Social/Behavioral Science faculty; classified Office/Clerical and Technicians job groups.

The Office of Affirmative Action in coordination with search committees and hiring managers continue to strive to advertise and promote vacancies beyond the established advertising resources such as MinnesotaDiversity, Chronicle of Higher Education, HigherEdjobs, and local and state-wide print and online media. Additional emphasis will be placed on encouraging search committees and hiring managers to advertise positions through all available resources such as personal contacts, discipline related journals/publications/listservs, professional conferences, etc. In addition, emphasis and educational sessions will be provided to search committees and hiring managers in order to assist them in achieving their hiring goals for minorities during the 2016-2018 Plan.

Individuals with Disabilities:

At Winona State University, the population of individuals with disabilities has improved in the following job categories: Allied Health & Nursing and Arts & Humanities faculty. The population of individuals with disabilities has remained the same in the following job categories: Education; Libraries; Science, Engineering & Technology; and Professional, Other; and classified Exec., Admin., Mgr.; Office/Clerical; Skilled Craft; Service Maintenance job groups.

The following job categories do not show improvement in the population of individuals with disabilities: Officials/Administrators; Professionals; Social/Behavioral Science faculty; and classified Technicians job group.

The Office of Affirmative Action in coordination with search committees and hiring managers continues to strive to advertise and promote vacancies beyond the established advertising resources such as MinnesotaDiversity, Chronicle of Higher Education, HigherEdjobs, and local and state-wide print and online media. The University will also continue its efforts to encourage employees with disabilities to identify themselves for the purposes of achieving each respective job group's hiring goal via a bi-annual survey.

In addition, continued emphasis and educational sessions will be provided to search committees and hiring managers in order to assist them in achieving their hiring goals for individuals with disabilities during the 2016-2018 Plan.

Veterans:

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

Availability:

At present, Winona State University shows underutilization for veterans in all job categories with the exception of the classified Exec Admin Mgr and Skilled Craft job groups.

The Office of Affirmative Action in coordination with search committees and hiring managers continues to strive to advertise and promote vacancies beyond the established advertising resources such as MinnesotaDiversity, Chronicle of Higher Education, HigherEdjobs, and local and state-wide print and online media. The University will also continue its efforts to recruit veterans for employment opportunities at the University as well as encourage our employees who are veterans to identify themselves for the purposes of achieving each respective job group's hiring goal via a bi-annual survey.

In addition, the University will expand its outreach efforts with the campus' Veterans Services Office as well as local Veteran's organizations to assist in the recruitment of veterans. Continued emphasis and educational sessions will be provided to search committees and hiring managers in order to assist them in achieving their hiring goals for veterans during the 2016-2018 Plan.

XI. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In pursuing Winona State University's commitment to affirmative action, Winona State University will take the following actions during the 2016-2018 Plan:

Objective #1: Increase search committee and hiring supervisor competency regarding the principles of equal opportunity and affirmative action hiring.

Action Steps:

1. Hiring supervisors will be required to attend the initial meeting of the search committee along with the Director of Affirmative Action to communicate the importance of equal opportunity, affirmative action hiring goals, and making best efforts to achieve the hiring goal(s) set for the vacancy.
2. All search committees will be required to complete the online Search Committee Training module prior to meeting with the Director of Affirmative Action and the hiring supervisor.

Objective #2: Improve the recruitment and retention of women, minorities, persons with disabilities, and veterans.

Action Steps:

1. Work with campus groups to create a supportive and welcoming multicultural environment for faculty, staff and students.

2. Provide supervisors and managers with training on reporting requirements for harassment/discrimination, preventing complaints by developing a positive workforce and a safe work environment, etc. and diversity topics.
3. Explore possibility of developing affinity or mentoring groups for new faculty and staff.

Objective #3: Conduct outreach efforts in the community with organizations who work with diverse populations regarding seeking and obtaining employment.

Action Steps:

1. Connect with Minnesota Workforce Center located in Winona, Minnesota to conduct educational seminar(s) for community members regarding how to draft a cover letter and resume and how to apply for employment through the State of Minnesota.
2. Connect with other local organizations that serve women, minorities, persons with disabilities, and veterans to learn more about how to recruit and retain these populations in the University's workforce.
3. Work with these community groups to develop better recruiting strategies and advertising resources for the campus.

XII. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS

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

Winona State University will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. Winona State University 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 Director 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 Winona State University cannot justify a hire, Winona State University takes a missed opportunity. **University** leadership will be asked to authorize the missed opportunity. Winona State University 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, the committee will inform candidates if interview questions will be 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 Winona State University's commitment to equal opportunity and the affirmative action program and its implementation.

B. Pre-Review Procedure for Layoff Decisions

The Affirmative Action Director, in conjunction with Winona State University's human resources office, is responsible for reviewing all pending layoffs to determine their effect on Winona State University's affirmative action goals and timetables.

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

C. Other Methods of Program Evaluation

Winona State University submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate Winona State University's 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).

Winona State University also evaluates the 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, College, or University leadership on a periodic basis and makes recommendations for improvement.

XIII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure Winona State University's 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.

At Winona State University, recruitment plans for unclassified positions are developed by each search committee, with the assistance of the Director of Affirmative Action, in order to accommodate for the unique and specialized recruitment needs of our various divisions, colleges and administrative units. All recruitment plans are designed and implemented in accordance with federal, state, and Winona State University's affirmative action guidelines, goals, and objectives.

Recruitment for classified positions vary from unclassified positions in that classified positions are governed by their respective collective bargaining agreements and the State of Minnesota Management and Budget Office which dictates how they are recruited. Vacancies for classified positions are first posted on campus for current employees to bid on in accordance with the applicable collective bargaining agreement. If there are no successful bidders, the Affirmative Action Office posts the vacancy on the State of Minnesota's careers website as an employment opportunity for current University employees¹. If a hire is not made from the current workforce, the position will then be opened to application by the general public. Once the application period expires, the applicants are forwarded to the search committee for review and the position is filled in accordance with Winona State's policy on affirmative action and hiring plan.

Recruitment costs incurred during the 2014-2016 plan year total \$220,482.09. This cost does not include candidate reimbursement for interview expenses.

Below are various recruitment methods or strategies utilized by Winona State University during the past year.

A. Advertising Sources

Position announcements are placed in local/regional publications for classified searches (AFSCME, MAPE, MMA, MNA). Announcements for all probationary/permanent unclassified positions (Administrators, MSUAASF, IFO) are placed in national publications, professional discipline-specific journals, website, listservs, and in some cases, mailed to Universities across the nation. The University places announcements for other emergency/interim/temporary positions dependent upon the type of position and where it is determined the University will best reach a qualified applicant pool.

Measuring the success of the University's advertising and recruitment methods is primarily dependent upon the voluntary information provided by applicants at the time of application. Some applicants indicate that they learned of the vacancy through multiple sources while some applicants do not provide any information.

Below is a list of all publications or websites which were used by the University during the 2014-2016 Plan:

Academic Diversity Search, Inc.	History News Network
Academic Keys	Insidehighered
Academy of Criminal Justice Sciences	International Society of Arboriculture
Academy of Management	Iowa Board of Nursing
American Accounting Association	Jobs for Economists
American Advertising Federation	Journal of Blacks in Higher Education
American Association of Critical-Care Nurses	LaCrosse Tribune
American Association of Teachers of Japanese	Latinos in Higher Education
American Educational Research Association	Medical Lab Observer

¹ Winona State University has a policy which provides for internal searches for the AFSCME and MMA bargaining units prior to being opened to the general public. Pursuant to this policy, if there are no bids according to the collective bargaining contract, the Affirmative Action Office advertises the position for 5 business days to all current permanent University employees. Eligible applicants who are members of the bargaining unit in which the position resides receive prior consideration.

American Historical Association

American Library Association

American Marketing Association

American Physical Society

American Public Health Association

American Public Health Association

American Sociological Association

AsianStudies.org

Association for Education in Journalism &
Mass Comm.

Association of American Geographers

Association of Asian Studies

Association of Computing Machinery

Association of Fundraising Professionals

Association of Physical Plant Administrators

Association of Professional Researchers

Association to Advance Collegiate Schools of
Business

Chemical & Engineering News

Chicago Tribune

Chronicle of Higher Education

Chronicle of Philanthropy

College Arts Association

College Music Society

Communication Theory and Research Network

Council for Advancement and Support of
Education

Council on Social Work Education

Counseling Today

Des Moines Register

Design Jobs

Eau Claire Telegram

Financial management Association
International

Geological Society of America

Health Faculty Jobs

Health Professional Jobs Plus

Higheredjobs

Hispanics in Higher Education

Minnesota Hospital Association

Minnesota Society of Certified Public
Accountants

Minority Nurse

Modern Language Association

National Association of Collegiate Directors of
Athletics

National Association of Collegiate Women
Athletics

National Association of International Educators

National Association of School Psychologists

National Association of Social Workers

National Athletic Trainers' Association

National Collegiate Athletic Association

National Council of Teachers of Mathematics

National Council of University Research
Administrators

National Wellness Institute
Observer

Perspectives

Physics Today

Production and Operations Management
Society

Psych Careers

Public Relations Society of American

Rochester Post Bulletin

School Counselor.org

Science

Society for Human Resources Management

Society for Public Health Education

Society of Health and Physical Educators

St. Paul Pioneer Press

Star Tribune

Studentaffairs.com

The Forum, Fargo ND

The Registry

Tree Care Industry

Winona Daily News

Winona Post

Winona Radio

Women in Higher Education

B. Recruitment for Individuals with Disabilities

The University currently advertises in a general manner which is designed to reach persons with disabilities in that it advertises in local, regional, and national print as well as online resources. At the time of the writing of this Plan, the University is exploring resources through which it could specifically target persons with disabilities either actively or passively seeking employment. The Director of Affirmative Action will explore and locate such resources and the University will target advertisements for those University positions which have a disability goal.

C. Relationship Building and Outreach

The University will once again seek to work with the local Minnesota Workforce Center to host evening seminars for community members regarding how to draft an effective cover letter and resume and how to submit an application through the online application system. The University will seek to offer this seminar no less than once a year.

The University will also seek to develop similar relationship with the area veteran's organizations and Project FINE, which is a community non-profit organization which works with immigrant and migrant populations in the community, to conduct similar seminars in order to better recruit these groups.

D. Internships

Several areas on campus offer internships for University students who need or want to complete an internship as part of their education. At this time, the University does not offer internships or apprenticeships for non-students.

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

Winona State University 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.

F. Additional Recruitment Activities

The University also utilizes MnSCU Employment Opportunities and the Higher Education Recruitment Consortium (HERC) to advertise unclassified positions. Notices of vacancies for these type of positions are also sent to HBCUs, women's colleges, tribal colleges, and other colleges/universities in the region. See Appendix E for a complete listing.

XIV. RETENTION PLAN

Winona State University 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 Retention Program/Activities

Lori Miki
Director of Affirmative Action/Equity & Legal Affairs
202 Somsen Hall
507-457-2766
lmiki@winona.edu

Lori Reed
Director of Human Resources
114 Somsen Hall
507-457-2790

B. Separation and Retention Analysis by Protected Groups

During the 2014-2016 Affirmative Action Plan reporting cycle, the University experienced 91 separations. The majority of these separations were due to either resignations, retirement, or enhanced separations. The Separation Analysis forms reflect the percentage of women, minorities, and persons with disability who separated from Winona State University. The University will seek to expand this analysis to veterans in the 2018-2020 Plan.

C. Methods of Retention of Protected Groups

At the start of each new academic year, the University conducts an Orientation/Leadership week for all new faculty. The weeks consists of college meetings, new faculty orientation, professional development classes, and an All-University welcome at which all new employees are introduced.

The University also hosts an all-employee picnic during Orientation week to which all faculty, staff, and retirees are invited. This event provides an opportunity for current members of our campus community to meet our new members in an informal setting.

The University has a number of all-University committees as well as taskforces which address issues of diversity, Title IX, and inclusion on campus. These committees and taskforces include representatives from the unclassified and classified bargaining units as well as students. The Director of Affirmative Action serves as a member of each group and they meet on a monthly basis to discuss issues related to diversity, affirmative action, and Title IX concerning the campus.

The campus has also held at least one day each year during which all members of the campus were invited to participate in a campus conversation regarding how the University could increase diversity and retention of employees and students as well as improve their campus experience.

APPENDIX

A. Complaint of Discrimination/Harassment Form



Discrimination/Harassment Complaint Form

Date: _____

Name of COMPLAINANT: _____

(if more than one complainant, complete intake form for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

Sex: ☐ Male ☐ Female

Status: ☐ Student ☐ Faculty ☐ Staff ☐ Administrator ☐ External/Non-Campus

TYPE OF COMPLAINT: ☐ DISCRIMINATION ☐ HARASSMENT ☐ RETALIATION

I WAS DISCRIMINATED/HARASSED/RETALIATED AGAINST ON THE BASIS OF MY:

- | | | |
|--|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age | <input type="checkbox"/> Reliance on Public Assistance |
| <input type="checkbox"/> Sex | <input type="checkbox"/> National Origin | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Creed | <input type="checkbox"/> Religion | <input type="checkbox"/> Membership/Activity in Local Commission |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Gender Expression | |

I believe I was discriminated/harassed/retaliated against by:

Name of RESPONDENT: _____

(if more than one respondent, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

Sex: ☐ Male ☐ Female

Status: ☐ Student ☐ Faculty ☐ Staff ☐ Administrator ☐ External/Non-Campus

Name of RESPONDENT #2: _____

(if more than one respondent, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

Sex: ☐ Male ☐ Female

Status: ☐ Student ☐ Faculty ☐ Staff ☐ Administrator ☐ External/Non-Campus

Name of RESPONDENT #3: _____

(if more than one respondent, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

Sex: ☐ Male ☐ Female

Status: ☐ Student ☐ Faculty ☐ Staff ☐ Administrator ☐ External/Non-Campus

Name of RESPONDENT #4: _____

(if more than one respondent, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

Sex: ☐ Male ☐ Female

Status: ☐ Student ☐ Faculty ☐ Staff ☐ Administrator ☐ External/Non-Campus

EXPLAIN YOUR COMPLAINT IN DETAIL. INCLUDE THE FOLLOWING INFORMATION. ADD ADDITIONAL PAGES IF NECESSARY. ATTACH DOCUMENTS YOU BELIEVE MAY BE HELPFUL IN INVESTIGATING YOUR COMPLAINT.

- [illegible]

[ATTACH ADDITIONAL PAGES IF NECESSARY]

LIST POTENTIAL WITNESSES YOU BELIEVE POSSESS INFORMATION ABOUT YOUR COMPLAINT. ADD ADDITIONAL PAGES IF NECESSARY.

Name of WITNESS #1: _____

(if more than one witness, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

What information can this witness provide? _____

Name of WITNESS #2: _____

(if more than one witness, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

What information can this witness provide? _____

Name of WITNESS #3: _____

(if more than one witness, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone: (work) _____ (home) _____

What information can this witness provide? _____

B. Employee/Applicant Request for ADA Reasonable Accommodation Form



State of Minnesota – WINONA STATE UNIVERSITY

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/Applicant Name:	Job Title:
Work Location:	Phone Number:

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)

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?

2) YES NO

a. If yes, please explain.

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

3)

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

Reasonable Accommodation Request Form, Page 2

2. What, if any, employment benefits 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?

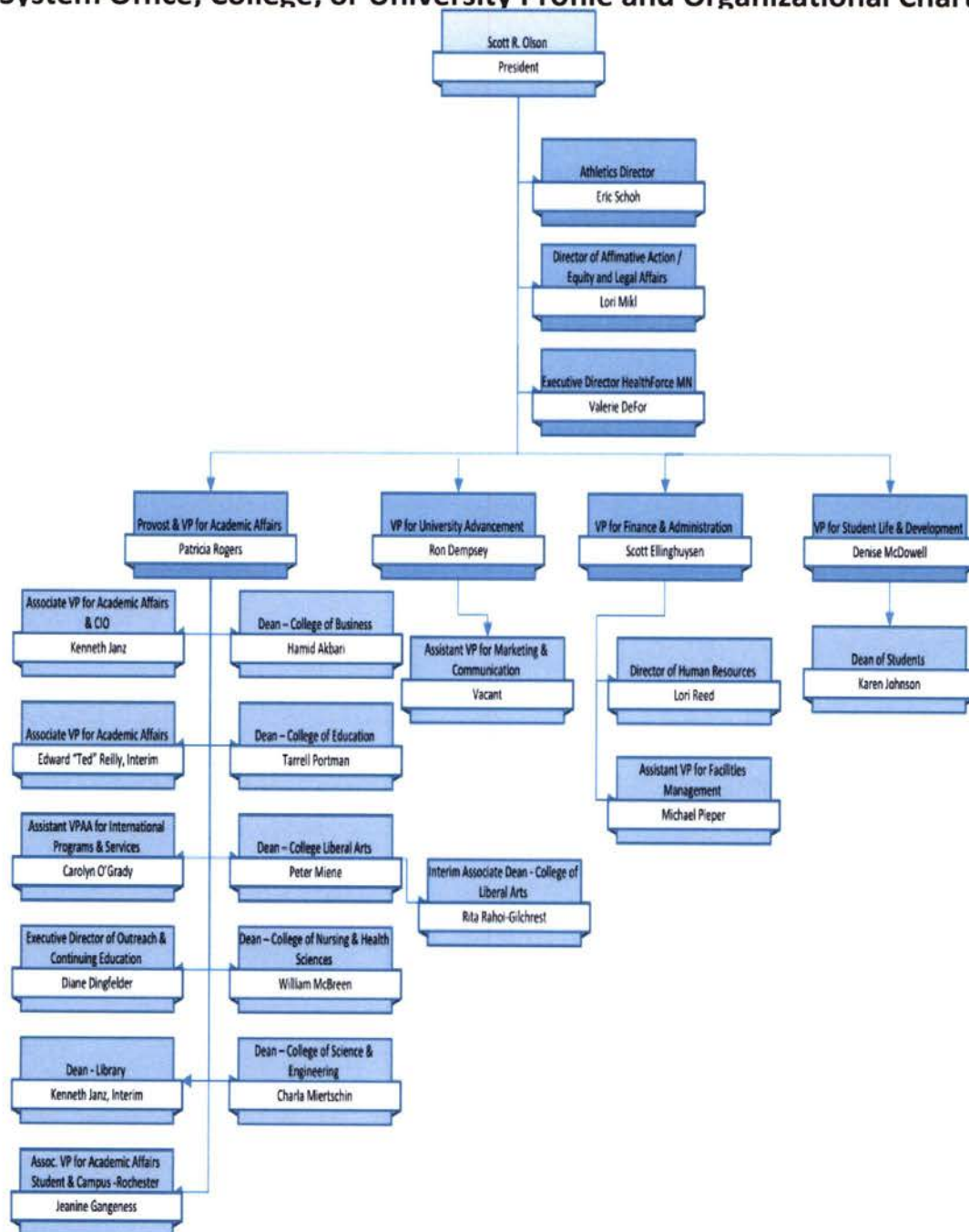
Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each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

c. System Office, College, or University Profile and Organizational Chart



D. Underutilization Analysis Worksheets

WOMEN									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators (220)	22	11	50.00%	40.40%	9	0	0	Same	1
Professionals (211)	143	102	71.33%	55.40%	79	0	0	Same	4
Faculty-Allied Health & Nursing	65	56	86.15%	47.60%	31	0	0	Same	0
Faculty-Arts & Humanities	101	47	46.53%	47.60%	48	1	5	Improved	4
Faculty-Business	45	15	33.33%	47.60%	21	6	10	Improved	4
Faculty-Education	42	23	54.76%	47.60%	20	0	0	Same	5
Faculty-Libraries	<10	<10	55.56%	47.60%	4	0	2	Improved	3
Faculty-Social/Behavior Sciences	46	26	56.52%	47.60%	22	0	1	Improved	5
Faculty-Sci., Engineering, Tech	86	27	31.40%	47.60%	41	14	17	Improved	3
Faculty-Professional Other	22	<10	27.27%	47.60%	10	4	5	Improved	1
Exec Admin Mgr (216)	17	<10	35.29%	55.70%	9	3	3	Same	0
Office/Clerical (206/217)	126	119	94.44%	63.40%	80	0	0	Same	3
Technicians (204/205/207/214/218)	108	58	53.70%	57.20%	62	4	9	Improved	5
Skilled Craft (202)	18	<10	<10%	6.30%	1	0	1	Improved	1
Service Maintenance (203)	55	21	38.18%	44.40%	24	3	6	Improved	3
Totals	905	523	57.79%						

MINORITIES									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators (220)	22	<10	<10%	21.70%	5	4	5	Improved	1
Professionals (211)	143	13	<10%	24.70%	35	22	23	Improved	1
Faculty-Allied Health & Nursing	65	0	<10%	24.90%	16	16	17	Improved	1
Faculty-Arts & Humanities	101	14	13.86%	24.90%	25	11	14	Improved	3
Faculty-Business	45	10	22.22%	24.90%	11	1	1	Same	0
Faculty-Education	42	<10	14.29%	24.90%	10	4	7	Improved	3
Faculty-Libraries	9	0	0.00%	24.90%	2	2	3	Improved	1
Faculty-Social/Behavior Sciences	46	<10	10.87%	24.90%	11	6	4	Not Improved	2
Faculty-Sci., Engineering, Tech	86	13	15.12%	24.90%	21	8	10	Improved	2
Faculty-Professional Other	22	0	0.00%	24.90%	5	5	6	Improved	1
Exec Admin Mgr (216)	17	0	0.00%	10.60%	2	2	2	Same	0
Office/Clerical (206/217)	126	<10	<10%	10.50%	13	10	9	Not Improved	1
Technicians (204/205/207/214/218)	108	<10	<10%	10.60%	11	10	9	Not Improved	1
Skilled Craft (202)	18	0	0.00%	8.80%	2	2	2	Same	0
Service Maintenance (203)	55	<10	<10%	19.50%	11	10	10	Same	0
Totals	905	67	<10%						

WINONA STATE UNIVERSITY
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INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Indiv./ with Disabilities in Group	% of Indiv. w/ Disabilities in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators (220)	22	0	0.00%	7.00%	2	2	1	Not Improved	1
Professionals (211)	143	<10	<10%	7.00%	10	9	8	Not Improved	1
Faculty-Allied Health & Nursing	65	<10	<10%	7.00%	5	4	5	Improved	1
Faculty-Arts & Humanities	101	0	0.00%	7.00%	7	7	8	Improved	1
Faculty-Business	45	0	0.00%	7.00%	3	3	3	Same	0
Faculty-Education	42	0	0.00%	7.00%	3	3	3	Same	0
Faculty-Libraries	9	0	0.00%	7.00%	1	1	1	Same	0
Faculty-Social/Behavior Sciences	46	<10	<10%	7.00%	3	2	1	Not Improved	1
Faculty-Sci., Engineering, Tech	86	0	0.00%	7.00%	6	6	6	Same	0
Faculty-Professional Other	22	0	0.00%	7.00%	2	2	2	Same	0
Exec Admin Mgr (216)	17	<10	<10%	7.00%	1	0	0	Same	0
Office/Clerical (206/217)	126	<10	<10%	7.00%	9	8	8	Same	0
Technicians (204/205/207/214/218)	108	0	0.00%	7.00%	8	8	6	Not Improved	2
Skilled Craft (202)	18	<10	<10%	7.00%	1	0	0	Same	0
Service Maintenance (203)	55	<10	<10%	7.00%	4	2	2	Same	0
Totals	905	<10	<10%						

WINONA STATE UNIVERSITY
AFFIRMATIVE ACTION PLAN 2016-2018

VETERANS										
Job Categories	Total Employees in Job Group	Total Number of Veterans in Group	% of Veterans in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans	
Officials/Administrators (220)	22	0	0.00%	8.00%	2	2	n/a	n/a	n/a	
Professionals (211)	143	0	0.00%	8.00%	11	11	n/a	n/a	n/a	
Faculty-Allied Health & Nursing	65	<10	<10%	8.00%	5	4	n/a	n/a	n/a	
Faculty-Arts & Humanities	101	<10	<10%	8.00%	8	6	n/a	n/a	n/a	
Faculty-Business	45	<10	<10%	8.00%	4	1	n/a	n/a	n/a	
Faculty-Education	42	0	0.00%	8.00%	3	3	n/a	n/a	n/a	
Faculty-Libraries	9	0	0.00%	8.00%	1	1	n/a	n/a	n/a	
Faculty-Social/Behavior Sciences	46	0	0.00%	8.00%	4	4	n/a	n/a	n/a	
Faculty-Sci., Engineering, Tech	86	0	0.00%	8.00%	7	7	n/a	n/a	n/a	
Faculty-Professional Other	22	0	0.00%	8.00%	2	2	n/a	n/a	n/a	
Exec Admin Mgr (216)	17	<10	11.76%	8.00%	1	0	n/a	n/a	n/a	
Office/Clerical (206/217)	126	0	0.00%	8.00%	10	10	n/a	n/a	n/a	
Technicians (204/205/207/214/218)	108	<10	<10%	8.00%	9	6	n/a	n/a	n/a	
Skilled Craft (202)	18	<10	22.22%	8.00%	1	0	n/a	n/a	n/a	
Service Maintenance (203)	55	<10	<10%	8.00%	4	2	n/a	n/a	n/a	
Totals	905	17	<10%							
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).										

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).

E. Separation Analysis Worksheet

TOTAL SEPARATIONS July 1, 2014 to June 30, 2016								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	4.40%	<10	100.00%	<10	25.00%	0	0.00%
Resignations	42	46.15%	26	61.90%	<10	11.90%	0	0.00%
Enhanced Separation	14	15.38%	<10	64.29%	<10	7.14%	0	0.00%
Retirement	26	28.57%	13	50.00%	0	0.00%	0	0.00%
Deaths	<10	3.30%	<10	33.33%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Termination without Rights	<10	2.20%	<10	50.00%	<10	50.00%	0	0.00%
Total Separations	91	100.00%	54	59.34%	8	8.79%	0	0.00%

**F. Other Relevant System Office, College, or University Information, Policies,
or Documents**

WINONA STATE UNIVERSITY
UNCLASSIFIED NOTICE OF VACANCY MAILING LIST
HBCUs/WOMEN

Agnes Scott College
Alabama A&M University
Alabama State University
Albany State University
Alcorn State University
American Indian Higher Education Consortium
Aquinas College
Arkansas Baptist College
Atlanta Metropolitan College
Bay Path College
Benedict College
Bennett College NC
Bethune-Cookman College
Blackfeet Community College
Bluefield State College
Bowie State University
Brenau Women's College
Brescia College
Bryn Mawr College
Candeska Cikana Community College
Cedar Crest College
Chatham College
Chestnut Hill College

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Cheyney State University
Chicago State University
City College of Chicago-Malcolm X College
City College of Chicago-Truman College
Claflin College
Clark Atlanta University
Clinton Junior College
Coahoma Community College
College of Saint Benedict
College of Saint Catherine
College of St. Elizabeth
College of the Menominee Nation
Columbia College
Coppin State College
Cottey College
CUNY-Borough of Manhattan Community College
CUNY-Medger Evers College
Delaware State University
Denmark Technical College
Dine College
Edward Waters College
El Centro College
Elizabeth City State University
Emmanuel College
Fayetteville State University
Florida Memorial College
Florida Memorial College
Fond du Lac Tribal & Community College
Fort Belknap College

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Fort Peck Community College
Fort Valley State College
Georgia Military College
Georgian Court College
Grambling State University
Hampton University
Harcum Junior College
Harris-Stowe State College
Haskell Indian Nations University
Hood College
Howard University
Huston-Tillotson College
Immaculata College
Imperial Valley College
Institute of American Indian Arts
Inter Faculty Organization
J.F. Drake State Technical College
Jarvis Christian College
Johnson C Smith University
Kentucky State University
Keweenaw Bay Ojibwa Community College
Lac Oreilles Ojibwa Community College dcarleylco
Lander University
Lane College
Langston University
Lassell College
Lawson State Community College
Leech Lake Tribal College
LeMoyne-Owen College

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Lesley College
Lincoln University MO
Lincoln University PA
Little Big Horn College
Little Priest Tribal College
Livingstone College
Long Island University
Marian Court Junior College
Mary Baldwin College
Marymount Manhattan College
Meharry Medical College
Meredith College
Metropolitan State University
Midway College
Mills College/Kate Dey
Mississippi University for Women
Mississippi Valley State University
Moore College of Art and Design
Morehouse College
Morehouse School of Medicine
Morgan State University
Morris Brown College
Mount Holyoke College
Mount Saint Vincent University
Mount St. Mary's College
Newcomb College
Norfolk State University
North Carolina A&T State University
North Caroling Central University

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Notre Dame College of Ohio

Oakwood College

Oglala Lakota College

Paine College

Palo Alto College

Peace College

Philander Smith College

Pine Manor College

Prairie View A&M University

Regis College

Rosemont College

Russell Sage College

Rust College

Rutgers

Saint Joseph College

Saint Mary of the Woods College

Saint Mary's College

Saint Paul's College

Salem College

San Antonio College

Savannah State University

Scripps College

Shaw University

Shelton State Community College

Shorter College

Sisseton Wahpeton Community College

Smith College

South Carolina State University

Southern University A&M College

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Southwest State University

Southwestern Indian Polytechnic Institute

Spelman College

St. Augustine's College

St. Cloud State University

St. Mary's College

Stephens College

Stillman College

Sweet Briar College

Talladega College

Tennessee State University

Texas College

Texas Southern University

Texas Woman's University

Tougaloo College

Trenholm State Technical College

Trinity University

Turtle Mountain Community College

Tuskegee University

United Tribes Technical College

University of Arkansas at Pine Bluff

University of Maryland Eastern Shore

University of the District of Columbia

University of Virgin Islands

Ursuline College

Viley College

Virginia State University

Virginia Union University

Voorhees College

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Wellesley College

Wells College

West Virginia State College

Westhampton College

White Earth Tribal & Community College

Wilberforce University

Wiley College

William Smith College

Wilson College

Winston-Salem State University

Xavier University

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#	Question	Cat.	Req.	Conf.	Emp.	Action
1.	Age Group 40 or Over? <input type="radio"/> Under 40 Years of Age <input type="radio"/> Over 40 Years of Age	Age Group		*	*	 Edit Inactivate Up Down
2.	Citizenship <input type="radio"/> U.S. Citizen <input type="radio"/> Resident Alien. A person who is not a citizen or national of the U.S. but who has been admitted as a legal immigrant for the purpose of obtaining permanent resident alien status (and who holds either an alien registration card, a temporary resident card or an arrival-departure record with a notation that conveys legal immigrant status such as Section 207 Refugee, Section 208 Asylee, Conditional Entrant Parolee or Cuban-Haitian.) <input type="radio"/> Nonresident Alien. A person who is not a citizen or national of the United States and who is in this country on a visa or temporary basis and does not have the right to remain indefinitely.			*		 Edit Inactivate Up Down
3.	If you are not a U.S. citizen or permanent resident, are you eligible to use your J1 OPT or will you need WSU to sponsor an H1B? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Applicable		*	*	*	 Edit Inactivate Up Down
4.	Disabled <input type="radio"/> Yes <input type="radio"/> No	Disability		*		 Edit Inactivate Up Down
5.	Select one or more <input type="radio"/> Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin, regardless of race. <input type="radio"/> American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment. <input type="radio"/> Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. <input type="radio"/> Black or African American. A person having origins in any of the black racial groups of Africa. <input type="radio"/> White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa.	Ethnicity		*		 Edit Inactivate Up Down

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<input type="checkbox"/> Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.		
6. If you select more than one race and ethnic background above, please state which you wish to identify as primary: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>
7. Gender <input type="checkbox"/> Female <input type="checkbox"/> Male	Gender <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>
8. Where did you learn about this vacancy? <input type="checkbox"/> Chronicle of Higher Education <input type="checkbox"/> Higheredjobs.com <input type="checkbox"/> Insidehighered.com <input type="checkbox"/> Minnesotajobs.com <input type="checkbox"/> Minnesotadiversity.com <input type="checkbox"/> MnSCU Employment Opportunities <input type="checkbox"/> WSU Website <input type="checkbox"/> WSU Employee <input type="checkbox"/> Other	<div style="border: 1px solid black; height: 125px; width: 100%;"></div>	<div style="border: 1px solid black; height: 125px; width: 100%;"></div>
9. If Other, where did you hear about this vacancy? <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<div style="border: 1px solid black; height: 60px; width: 100%;"></div>	<div style="border: 1px solid black; height: 60px; width: 100%;"></div>

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EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

Please print or type.

Employee Name	Classification/Job Title	Date of Request
Department	*Statement of Disability (Attach medical statement if requested by ADA Coordinator)	
*Attach additional sheets for questions below if necessary.		
1. Type of accommodation requested to perform the essential function(s) of the job.		
2. What specific essential function(s) of the job is currently impacted?		
3. How will the requested accommodation be effective in allowing performance of the essential job function(s)?		
4. Have any non-essential job functions been eliminated? Please describe.		
Signature of Employee		Date
Signature of Supervisor		Date
Signature of ADA Coordinator		Date
Additional Comments:		

*Information on this form and its attachments shall be confidential

Reasonable Accommodation Process Checklist

1. Do you know or have enough information to "know" that the employee has an impairment?
☐ Yes
☐ No
*If yes, go to step 2.
If no, do nothing. You do not have reason to know an impairment exists.*
2. Does the employee:
☐ Have an impairment that substantially limits a major life activity?
☐ Have a record of such an impairment?
☐ Regarded as having such an impairment?
*If yes, go to step 3.
If no, do nothing. Impairment does not qualify as a disability.*
3. Do you have/do you need medical documentation to substantiate that a disability exists?
☐ Have or don't need medical documentation.
*If you checked the box, go to step 4.
If you need medication documentation, request it before proceeding.*
4. ☐ Review the essential functions of the job.
5. Involve others in the consideration of possible accommodations.
☐ Talk to the employee
☐ Consider medical opinions
☐ Discuss with managers or supervisors familiar with the workplace and job requirements.
☐ Discuss with organizations familiar with the disability
6. Does the accommodation pose an "undue hardship?"
☐ Yes
☐ No
*If No, go to Step 8.
If yes, complete Step 7 and stop process.*
7. The following "undue hardship" factor has been identified:
☐ unduly costly;
☐ extensive;
☐ substantial disruption;
☐ would fundamentally alter the nature of the operation.

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8. Is a contract waiver required for the accommodation?
☐ Yes
☐ No
*If Yes, meet with the union and obtain the waiver
If No, proceed.*
9. Is there a "direct threat" issues to be addressed?
☐ Yes
☐ No
*If Yes, complete step 9.
If No, proceed with step 12.*
10. Document the direct threat. (All 4 boxes must be completed to substantial direct threat.)
☐ Significant risk of substantial harm identified as: _____
☐ Specific risk identified as: _____
☐ Risk is current based on: _____
☐ Risk is supported by objective medical evidence. _____
Go to Step 11.
11. Can the direct threat be reduced/eliminated by providing a reasonable accommodation?
☐ Yes. Identify accommodation: _____
☐ No. Identify reason: _____
*If Yes, proceed to step 11.
If no, you do not have to proceed.*
12. Accommodation to be provided: _____

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WINONA STATE UNIVERSITY
P.O. BOX 5838
8TH JOHNSON ST.
WINONA, MN 55987

REASONABLE ACCOMMODATION AGREEMENT

This form is to be completed by WSU's ADA Officer after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicates an agreement between the employee and WSU to the specific accommodation.

Name of Employee	Name of Supervisor
<p>The request for reasonable accommodation to the needs of the above named employee was:</p> <p><input type="checkbox"/> ACCEPTED <input type="checkbox"/> DENIED</p> <p>Justification for the decision (indicate specific factors considered)</p>	
<p>If reasonable accommodation was approved, was the employee's suggestion accepted?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIALLY</p> <p>REASON:</p> <p>DESCRIBE SPECIFIC ACCOMMODATIONS TO BE MADE:</p>	
COST ESTIMATE:	
I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by WSU, will become property of the State of Minnesota.	
Signature of Employee	Date
Signature of Supervisor	Date
Signature of ADA Officer	Date