



State of Minnesota

Minnesota State University, Mankato

2018-2020 Affirmative Action Plan (Revised 06.24.19)

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Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.

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Executive Summary

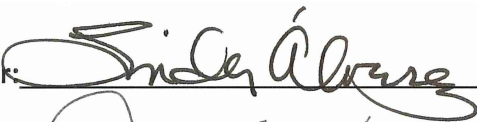
This Affirmative Action Plan meets the requirements as set forth in statute, in Administrative Rule, and by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

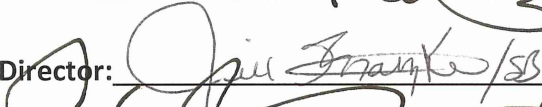
This Affirmative Action Review revealed underutilization of the following protected group(s) in the following job categories:


Table 1: Underutilization Analysis of Protected Groups

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities	Veterans
Unclassified				
Administrators (220)		X	X	X
Professionals (211)			X	X
Faculty		X	X	X
Classified				
Professionals	X	X	X	X
Office / Clerical		X	X	X
Technical / Paraprofessional		X	X	X
Skilled Craft	X	X	X	X
Service Maintenance / Protective Service	X	X	X	X

Information about how to obtain or view a copy of this Plan will be provided to every employee of Minnesota State University, Mankato. Our intention is to make every employee aware of Minnesota State University, Mankato’s commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the Minnesota State University, Mankato’s website and maintained in the Office of Equal Opportunity & Title IX.

Affirmative Action Officer:  Date Signed: 8/15/18

Human Resources Director:  Date Signed: 8/15/18

University President:  Date Signed: 8/15/18

Organizational Profile

Minnesota State University, Mankato (University) was founded in 1868. The University has more than 130 undergraduate programs of study, including 13 pre-professional programs, and more than 85 graduate programs, including masters, specialist and doctoral programs. These programs are offered through six academic colleges: Allied Health and Nursing; Arts and Humanities; Business; Education; Science, Engineering and Technology; and Social and Behavioral Sciences. Several of the programs, or portions of them, are also offered through various University Extended Education venues, including the facility at 7700 France in Edina and at the Normandale Partnership Center. The University is a community of more than 15,000 students, including more than 1,100 international students from more than 90 countries; more than 2,000 faculty and staff, including almost 750 teaching faculty; more than 80 percent of our full-time instructional faculty have terminal degrees; more than 2,200 students of color, a diverse faculty and staff and an institutional commitment to welcoming underrepresented populations; and more than 122,000 alumni worldwide.

The University promotes learning through effective undergraduate and graduate teaching, scholarship, and research in service to the state, the region and the global community. The University is an innovative, student-centered learning community that values: integrity and respect in the way we conduct ourselves; diversity in who we are and what we do; access to our programs and services that create opportunities for all to pursue their dreams; responsibility to those we serve by providing an education that inspires solutions to society's challenges; and excellence in our academic and non-academic pursuits.

By combining big ideas with real-world thinking this University is focused on transforming our University by breaking down barriers, creating solutions, and achieving a new level of greatness. In August 2016, the University President announced the University's Strategic Directions from 2016-2021. The University will enhance student success and completion, elevate faculty distinction and academic achievement, expand its regional and global impact, lead equity and inclusive excellence, advance a culture of evidence and innovative organizational designs, and leverage the power of partnerships and collaboration.

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Statement of Commitment

This statement reaffirms Minnesota State University, Mankato 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, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- Minnesota State University, Mankato 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.
- Minnesota State University, Mankato 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.
- Minnesota State University, Mankato 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 Minnesota State University, Mankato will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is Minnesota State University, Mankato'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:  Date Signed: 

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. President

Responsibilities

The President is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The President, through the Commissioner of Minnesota Management & Budget (MMB), will report annually to the Governor and the Legislature Minnesota State University, Mankato's progress in meeting its affirmative action goals and objectives.

Duties

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

- Appoint the Affirmative Action Manager or designee and include accountability for the administration of Minnesota State University, Mankato's Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the University's commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
- Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in Minnesota State University, Mankato.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and Minnesota State University, Mankato's mission.
- Report annually to the Governor and the Legislature through the Commissioner of MMB the department's progress in affirmative action.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Actively promote the enforcement of equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all Minnesota State University, Mankato 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 Governor through the Commissioner of MMB for affirmative action matters.

Name of individual responsible

Name: Richard Davenport

Email: richard.davenport@mnsu.edu

Title: President

Phone: (507) 389-1111

B. Affirmative Action Manager

Responsibilities

The Affirmative Action Manager is directly responsible for developing, coordinating, implementing and monitoring the University's affirmative action program.

Duties

The duties of the Affirmative Action Manager shall include, but not be limited to, the following:

- Develop and administer Minnesota State University, Mankato's Affirmative Action Plan.
- Develop and set University-wide affirmative action hiring goals.
- Monitor University compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in Minnesota State University, Mankato.
- Inform the President on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between Minnesota State University, Mankato, MMB, and the Chancellor's Office.
- Serve as ex-officio member of the Employee Resource Group (ERG) diversity committee at their work location.
- Determine the need for affirmative action training within Minnesota State University, Mankato and initiate the development of such training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal opportunity.
- Develop innovative programs to attract and retain protected group members in Minnesota State University, Mankato.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage Minnesota State University, Mankato's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.

- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Oversee the administration of Minnesota State University, Mankato diversity recruitment program.

Accountability

The Affirmative Action Manager is accountable directly to the President and indirectly to the Chancellor for program impacts and for ongoing program activities and direction. The Affirmative Action Manager collaborates with the administrator of ADA Title II, administrator of Diversity and Inclusion, and administrator of Limited English Program.

Name of individual responsible

Name: Linda Alvarez

Email: linda.alvarez@mnsu.edu

Title: Affirmative Action Manager /
Director of Equal Opportunity & Title IX

Phone: (507) 389-2986

C. Affirmative Action Officer Designee(s)

Responsibilities

The designees are responsible for the implementation of the department’s Affirmative Action Plan at their facility/work location. Each designee is directly accountable to Minnesota State University, Mankato’s Affirmative Action Manager for matters relating to affirmative action.

Duties

- Fulfill all affirmative action reporting requirements by submitting standard quarterly reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as a member of the department-wide Affirmative Action Officers Committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices and to recommend changes to the Affirmative Action Manager.
- Serve as ex-officio member of the recruitment team at the University.

Accountability

The Affirmative Action Designee is accountable directly to the Affirmative Action Manager on matters pertaining to Affirmative Action and Equal Opportunity.

Name of individuals responsible

1. Name: Laura Diaz

Email: laura.diaz.2@mnsu.edu

**Title: Assistant Director of
Equal Opportunity & Title IX**

Phone: 507-389-2986

2. Name: Maegen Sinclair Usher

Email: maegensinclairusher@mnsu.edu

Title: Equal Opportunity & Title IX Specialist

Phone: 507-389-2986

D. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director is responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with Minnesota State University, Mankato, and assisting managers and supervisors in human resources management activities. The Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies.

Duties

The duties of Human Resources shall include, but not be limited to, the following:

- Maintain effective working relationships with University affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by working effectively with the affirmative action officer.
- Initiate and report on specific program objectives contained in the affirmative action plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers and the Affirmative Action Manager in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.

- Request recruitment assistance from MMB’s Statewide Director of Diversity Recruitment and Retention in the diversity recruitment and retention of protected group members in hard to fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- The Human Resources Director ensures that aggregate data and trends of complaints of illegal discrimination in hiring are received from the Affirmative Action Manager on a quarterly basis.

Accountability

The Human Resources Director is directly accountable to the President. Staff within Human Resources who work on affirmative action and diversity issues are accountable to the Human Resources Director or designee.

Name of individual responsible

Name: Steve Barrett

Email: steve.barrett@mnsu.edu

Title: Director of Human Resources

Phone: (507) 389-2015

E. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for the oversight of Minnesota State University, Mankato’s compliance with the ADA Title I – Employment, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title I Coordinator shall include, but are not limited to, the following:

- Provide guidance, coordination, and direction to University management with regard to the ADA in the development and implementation of college/university policy, procedures, and practices to ensure University employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to University management and staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.

- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing University services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update Human Resources Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Collaborate with the Affirmative Action Manager in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
 - Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.

Accountability:

The ADA Title 1 Coordinator is accountable to the Director of Human Resources.

Name of individual responsible

Name: Brian Breck

Email: brian.breck@mnsu.edu

**Title: ADA Coordinator – Title I,
Assistant Director of Human Resources**

Phone: (507) 389-6075

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible for the oversight of Minnesota State University, Mankato’s compliance with the ADA Title II – Public Services, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title II Coordinator shall include, but not limited to, the following:

- Provide guidance, coordination, and direction to University management with regard to the ADA in the development and implementation of Minnesota State University, Mankato's policy, procedures, and practices to ensure University services and programs are accessible and nondiscriminatory for the public.
- Provide training, technical guidance, and consultation to Minnesota State University, Mankato's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities as well as the provision of reasonable modifications to visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing University services, and report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Collaborate with the Affirmative Action Manager in designing and delivering specific ADA training for University employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II coordinator in consultation with the member of the public in need of a modification shall:
 - Discuss the purpose and essential functions of a particular reasonable modification;
 - Identify the potential modifications and asses the effectiveness of each request; and,
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and Minnesota State University, Mankato. This review shall be documented and reported in the State ADA Annual Report.

Accountability:

The ADA Title II Coordinator is accountable to the Associate Provost.

Name of individual responsible

Name: Julie Snow

Email: julie.snow@mnsu.edu

Title: ADA Coordinator – Title II, Director of Accessibility Services

Phone: (507) 389-2825

G. Diversity Recruitment Coordinator

Minnesota State University, Mankato does not currently have a designated Diversity Recruitment Coordinator. Please see the Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers section for a description of the University's plan to hire an Equity & Retention Specialist / Recruitment Coordinator.

H. Senior Managers and Faculty Executive Team Leaders

Responsibilities

University senior managers and executive team leaders are responsible for implementing all aspects of Minnesota State University, Mankato Affirmative Action Plan and the University's commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and faculty executive team leaders shall include, but not be limited to, the following:

- Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their units and Minnesota State University, Mankato.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees assigned to their units.
- Assist the Affirmative Action Officer in conducting periodic audits of hiring and promotion patterns to remove impediments to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ascertain that Minnesota State University, Mankato's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results in addition to other job performance criteria.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Associate Provost, Provost, or the President.

Name of individual(s) responsible

1. Name: Marilyn Wells

Email: marilyn.wells@mnsu.edu

Title: Provost & Sr. Vice President for Academic Affairs

Phone: (507) 389-1333

- | | |
|---|---|
| <p>2. Name: David Jones</p> <p>Title: Vice President for Student Affairs & Enrollment Management</p> | <p>Email: david.jones@mnsu.edu</p> <p>Phone: (507) 389-2121</p> |
| <p>4. Name: Mark Johnson</p> <p>Title: Vice President for IT Solutions</p> | <p>Email: mark.johnson@mnsu.edu</p> <p>Phone: (507) 389-2555</p> |
| <p>5. Name: Robert Fleischman</p> <p>Title: Associate Vice President for Strategic Partnerships</p> | <p>Email: robert.fleischman@mnsu.edu</p> <p>Phone: (507) 389-5146</p> |
| <p>6. Name: Kent Stanley</p> <p>Title: Vice President for University Advancement</p> | <p>Email: kent.stanley@mnsu.edu</p> <p>Phone: (507) 389-2021</p> |
| <p>7. Name: Lynn Akey</p> <p>Title: Vice President for Student Success, Analytics and Integrated Planning</p> | <p>Email: lynn.akey@mnsu.edu</p> <p>Phone: (507) 389-1365</p> |
| <p>8. Name: Henry Morris</p> <p>Title: Dean of Diversity & Inclusion</p> | <p>Email: henry.morris@mnsu.edu</p> <p>Phone: (507) 389-1150</p> |
| <p>9. Name: Sheri Sargent</p> <p>Title: Chief of Staff</p> | <p>Email: sheri.sargent@mnsu.edu</p> <p>Phone: (507) 389-1112</p> |

I. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota’s policy of equal employment opportunity by refraining from any actions that would subject any employee to negative treatment on the basis of that individual’s race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees are responsible for maintaining an environment free from harassment and discrimination, and also conducting themselves in accordance with the Affirmative Action Plan. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use Minnesota State University, Mankato’s complaint procedure.

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.
- Refrain from any actions that would adversely affect a coworker on the basis of their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

Accountability:

Employees are accountable to their designated supervisor and indirectly to Minnesota State University, Mankato's President.

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Communication of the Affirmative Action Plan

The following information describes the methods that Minnesota State University, Mankato takes to communicate the Affirmative Action Plan to employees and the general public:

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 Minnesota State University, Mankato's leadership or alternatively, the Affirmative Action Manager, to all staff on an annual basis.
- Minnesota State University, Mankato's Affirmative Action Plan is available to all employees on Minnesota State University, Mankato's website at <http://www.mnsu.edu/eotitleix/> or in print copy to anyone who requests it. As requested, Minnesota State University, Mankato will make the plan available in alternative formats.
- A physical copy of Minnesota State University, Mankato's Affirmative Action Plan will be available to employees at the following address: Office of Equal Opportunity & Title IX, Minnesota State University, Mankato, 014 Morris Hall, Mankato, MN 56001.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.
- The Affirmative Action Plan is available at the following central locations so that every employee and student is aware of Minnesota State University, Mankato's commitment to affirmative action of recruitment, hiring, and retention of employees:
 - President's Office (*309 Wigley Administration Center*)
 - Offices of all Vice Presidents –
 - Vice President for Student Affairs, Enrollment Management (*228 Wigley Administration Center*)
 - Vice President for Finance and Administration (*238 Wigley Administration Center*)
 - Vice President for IT Solutions (*3010 Memorial Library*)
 - Vice President for University Advancement (*224 Alumni & Foundation Building*)
 - Vice President for Student Success, Analytics and Integrated Planning (*315 Wigley Administration Center*)
 - Offices of all Deans –
 - College of Allied Health and Nursing (*124 Myers Field House*)
 - College of Arts and Humanities (*226 Armstrong Hall*)
 - College of Business (*120 Morris Hall*)
 - College of Education (*118 Armstrong Hall*)
 - College of Science, Engineering and Technology (*131 Trafton Science Center North*)
 - College of Social and Behavioral Sciences (*111 Armstrong Hall*)

- Global Education (*315 Wigley Administration Center*)
- Graduate Dean (*315 Wigley Administration Center*)
- University Extended Education (*120 Alumni & Foundation Center*)
- Offices of the Presidents/Representatives of the collective bargaining units –
 - AFSCME (*101 Hubbard Building*)
 - IFO (*240B Morris Hall*)
 - MAPE (*3010 Memorial Library*)
 - MGEC (*121 Trafton Science Center East*)
 - MNA (*134 Carkoski Commons*)
 - MMA (*3010 Memorial Library*)
 - MSUAASF (*114 Armstrong Hall*)
- MSSA/Student Senate (*280 Centennial Student Union*)
- Office of Equal Opportunity & Title IX (*014 Morris Hall*)
- Office of Human Resources (*336 Wigley Administration Center*)
- Office of Diversity & Inclusion and Dean of Diversity (*228 Wigley Administration Center*)
- University Library (*3097 Memorial Library*)

External Methods of Communication

- Minnesota State University, Mankato’s Affirmative Action Plan is available on Minnesota State University, Mankato’s public website at <http://www.mnsu.edu/eotitleix/> or in print copy to anyone who requests it. As requested, Minnesota State University, Mankato will make the plan available in alternative formats.
- Minnesota State University, Mankato’s website homepage, letterhead, publications, and all job postings, will include the statement “an equal opportunity employer.” Further job postings include the statement “women, minorities, and individuals with disabilities are encouraged to apply.” Minnesota State University, Mankato will also ensure a representative ratio of diversity is on all diversity marketing materials.
- 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.
- A physical copy of Minnesota State University, Mankato’s Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address: Office of Equal Opportunity & Title IX, Minnesota State University, Mankato, 014 Morris Hall, Mankato, MN 56001

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Underutilization Analysis and Affirmative Action Goals

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

Table 2. Underutilization Analysis and Hiring Goals for 2018-2020

The second, third, fourth, and fifth columns of this chart show the number of underutilized individuals of each group in each category at this University. The sixth, seventh, eighth and ninth columns show Minnesota State University, Mankato’s hiring goals for each group in each category.

Job Categories	Underutilization - # of Individuals				Hiring Goals for 2018-2020			
	Women	Racial/ Ethnic Minorities	Persons with Disabilities	Veterans	Women	Racial/ Ethnic Minorities	Persons with Disabilities	Veterans
Unclassified								
Administrators (220)	0	<10	<10	<10	0	1	1	1
Professionals (211)	0	0	11	13	0	0	3	3
Faculty								
	0	36	36	38	2	20	6	6
Classified								
Professionals	14	<10	<10	<10	2	1	3	3
Office/Clerical	0	12	<10	12	0	2	2	4
Technical/Paraprofessional	0	<10	<10	<10	0	1	1	1
Skilled Craft	<10	<10	<10	<10	0	0	0	0
Service Maintenance/ Protective Service	21	20	<10	<10	3	5	3	2

Availability:

Minnesota State University, Mankato determined the recruitment area to be statewide for classified job categories and nationwide for Faculty, Administrators and Exempt Professionals. In conducting its underutilization analysis, Minnesota State University, Mankato used the one-factor analysis. Minnesota State University, Mankato determined it was best to use this type of analysis because it most closely matches the University's past practice in developing this section of its Affirmative Action Plan. Underutilization Analysis worksheets are attached in the appendix.

Hiring goals for unclassified and classified employment are based on the Job Category Availability/Utilization/Underutilization Analysis & Annual Goals worksheets found in Table 2 as well as anticipated vacancies and other relevant information provided by the Office of Human Resources and the Academic Affairs Office. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

Due to continuing uncertainties regarding future operating budgets during this reporting period, Minnesota State University, Mankato may experience fewer hiring opportunities than previous reporting periods, which may impact our ability to affirmatively hire women, minorities, individuals with disabilities and veterans. However, affirmative steps will be taken to actively recruit and hire these protected groups when such positions are approved.

If these goals and/or full utilization have not been achieved by the end of this reporting period, Minnesota State University, Mankato 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, Minnesota State University, Mankato will strive to maintain a workforce that reflects the composition of the available pool of qualified applicants within the specified recruitment area.

Women:

At Minnesota State University, Mankato, the population of women has improved in the following job category: 1) Classified – Service Maintenance/Protective Services, and has not improved in the following job categories: 1) Classified – Professionals. The factors that led to Minnesota State University, Mankato's improvement or no improvement for women in these job categories are discussed in the section "Program Objectives for Women" under "Recruitment barriers identified..." and "Past Evaluation."

Minorities:

At Minnesota State University, Mankato, the population of minorities has improved in the following job categories: 1) Faculty and 2) Classified – Office/Clerical, and has not improved in the following job categories: 1) Classified – Professionals, and 2) Classified – Technical/Paraprofessional. The factors that led to Minnesota State University, Mankato's improvement or no improvement for racial/ethnic minorities in these job categories are discussed in the section "Program Objectives for Racial/Ethnic Minorities" under "Recruitment barriers identified..." and "Past Evaluation."

Individuals with Disabilities:

At Minnesota State University, Mankato, the population of individuals with disabilities has improved in the following job categories: 1) Faculty, 2) Classified – Professionals, and 3) Classified – Office/Clerical and has not improved in the following job categories: 1) Classified – Technical/Paraprofessional and 2) Classified – Service Maintenance/Protective Services. The factors that led to Minnesota State University, Mankato’s improvement or no improvement for individuals with disabilities in these job categories are discussed in the section “Program Objectives for Individuals with Disabilities” under “Recruitment barriers identified...” and “Past Evaluation.”

Veterans:

At Minnesota State University, Mankato, there were no improvements to the population of veterans in any of the job categories. The population of veterans has not improved in the following job categories: 1) Faculty, 2) Classified – Professionals, 3) Classified – Office/Clerical, 4) Classified – Technical/Paraprofessional, and 5) Classified – Skilled Craft. The factors that led to Minnesota State University, Mankato’s improvement or no improvement for veterans in these job categories are discussed in the section “Program Objectives for Veterans” under “Recruitment barriers identified...” and “Past Evaluation.”

Separation and Retention Analysis by Protected Groups

Minnesota State University, Mankato is committed to the retention of all employees, including members of the following protected groups: women, racial/ethnic minorities, individuals with disabilities and veterans. Minnesota State University, Mankato will strive to affirmatively ensure equal employment opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on under-represented individuals. To be successful, the responsibility for these retention efforts lies with all employees. Minnesota State University, Mankato’s retention strategy is a multi-faceted approach, guided by Minnesota State University, Mankato management, Human Resources Director, and Affirmative Action Officer.

Table 3: Person's Responsible for University Retention Programs/Activities

Title	Contact Information
Affirmative Action Manager	Office of Equal Opportunity & Title IX
Human Resources Director	Human Resources Office

Minnesota State University, Mankato will continue to analyze and review separation data for disparate impact on protected group employees. This will include reviewing non-certification trends, layoff trends, resignation trends, and disciplinary discharges. The appendix will include a separation report broken down by EEO4 job category. Below is a snapshot of Minnesota State University, Mankato separations throughout the past two years as well as a narrative describing the separation analysis:

Table 4: Type of Separation

Type of Separation FY2016-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percentage of Persons w/ Disabilities	Percentage of Veterans
Dismissals/Non-Renewal/Non-Certification	10	5.75%	2.87%	0%	0%	0%
Early/Enhanced Retirement	42	24.14%	12.07%	2.30%	0%	1.15%
Retirement	26	14.94%	11.49%	1.15%	0%	0%
Lay Off	<10	1.72%	0%	0.57%	0%	0%
Resignations/ Transfers	93	53.45%	31.61%	10.91%	0.57%	0.57%
Termination w/o Rights	0	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<i>Total Separations</i>	174	100%	58.05%	14.94%	0.57%	1.72%

Women

Women represent approximately 53.99% of the total University workforce. Minnesota State University, Mankato saw a total of 101 separations from FY 2016 and FY 2018. Women were 58.05% of all separations. This is proportionately higher relative to their total University workforce representation. Further analysis of separations are discussed in the “Program Objectives for Women” under “Future Evaluation” and “Past Evaluation” where relevant.

Minorities

Minorities represent approximately 12.06% of the total University workforce. Minnesota State University, Mankato saw a total of 26 separations from FY 2016 and FY 2018. Minorities were 14.94% of all separations. This is proportionately higher relative to their total University workforce representation. Further analysis of separations are discussed in the “Program Objectives for Racial/Ethnic Minorities” under “Future Evaluation” and “Past Evaluation” where relevant.

Individuals with Disabilities

Individuals with Disabilities represent approximately 1.26% of the total University workforce. Minnesota State University, Mankato saw a total of <10 separations from FY 2016 and FY 2018. Individuals with Disabilities were 0.57% of all separations. This is proportionately lower relative to their total University workforce representation.

Veterans

Veterans represent approximately 1.55% of the total University workforce. Minnesota State University, Mankato saw a total of <10 separations from FY 2017 and FY 2018. Veterans were 1.72% of all separations. This is proportionately higher relative to their total University workforce representation. Further analysis of separations are discussed in the “Program Objectives for Veteran” under “Future Evaluation” and “Past Evaluation” where relevant.

Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers

Minnesota State University, Mankato’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, Chapter 43A.191, and Subdivision 2. In pursuing Minnesota State University, Mankato’s commitment to affirmative action, Minnesota State University, Mankato will take the following actions during 2018-2020:

Minnesota State University, Mankato is committed to conducting all personnel and educational programs and activities without regard to race, sex, color, creed, religion, age, national origin, marital status, disability, status with regard to public assistance, sexual orientation, gender identity, gender expression, familial status or membership or activity in a local commission as defined by law. Minnesota State University, Mankato will not tolerate discrimination or harassment on the basis of these protected group categories in accordance with all state and federal equal opportunity/affirmative action laws, directives, orders and regulations.

It is this commitment to equal opportunity and affirmative action that occasions the development of recruitment plans by each of our divisions, colleges and administrative units. These unit-specific recruitment plans serve the purpose of reinforcing the need for equal opportunity and affirmative action at all levels of the University. The unit specific objectives also mean that each unit must take responsibility and be held accountable for their efforts. The Office of Equal Opportunity & Title IX will maintain the 2018 – 2020 unit specific affirmative action recruitment and retention plans and will work with each unit to monitor their progress.

Minnesota State University, Mankato recognizes that progress toward addressing the underutilization of women, racial/ethnic minorities, persons with disabilities, and veterans has been slow and stagnate with certain EEO4 categories. Changes in leadership due to turnover have played a role over time in maintaining the efforts made by predecessors. During 2018-2020, it is the University’s intention to develop a continuation plan so that changes in leadership will not delay and/or have a great impact on the recruitment and retention plans established for the University and its divisions, colleges and administrative units. The continuation plan will include the hiring of an Equity & Retention Specialist / Recruitment Coordinator. See University-Wide Program Objective 6 on the next page for further details.

University-Wide Program Objectives

Furthermore, the program objectives set forth in this plan are intended to evaluate the basic functions of the recruitment and retention processes across the university including evaluation of and revisions to the University's search process and evaluation of data systems and the data available to the Affirmative Action Manager and Human Resources office staff. The program objectives for the University for the 2018-2020 Plan period are as follows:

1. Minnesota State University, Mankato's Offices of Equal Opportunity & Title IX and Human Resources will re-analyze and evaluate the entire staffing process to maximize opportunities to diversify our workforce and bring the best employees to MSU. These efforts will likely include creating a new focused and rigorous training module for search committee chairs, committee members, and department chairs, which will include educational and reference material detailing the management of the search process with regard to all equal opportunity and affirmative action policies and procedures and will incorporate the Minnesota State Colleges and Universities Search Committee Handbook.
2. The Office Equal Opportunity & Title IX and the Human Resources Office will develop a diversity focused succession plan for a five-year period. The diversity focused succession plan will be presented to meet and confer for feedback and implementation.
3. The Office of Equal Opportunity & Title IX and Human Resources Office will develop a Recruitment and Retention survey of external and internal applicants to implement best practices.
4. All recruitment brochures, job announcements and vacancy notices will continue to identify Minnesota State University, Mankato as an Affirmative Action/Equal Opportunity University.
5. The University's Affirmative Action Plan is also available on the Office of Equal Opportunity & Title IX's website at: <http://www.mnsu.edu/eotitleix/>.
6. The University has an overarching program objective of hiring an Equity & Retention Specialist / Recruitment Coordinator to assist with these stated actions. The position will adhere to the following responsibilities, duties, and accountability:

Responsibilities

The Equity & Retention Specialist / Recruitment Coordinator will be responsible for the creation and coordination of the Diversity Recruitment Plan outlined in this document.

Duties

The duties of Equity & Retention Specialist / Recruitment Coordinator shall include, but not be limited to, the following:

- Identify high need recruitment job areas within Minnesota State University, Mankato.
- Communicate the strategic recruitment plan to human resources, the executive team, management, and staff.

- Assist the Affirmative Action Manager in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities to attain strategic diversity goals and objectives.
- Maintain and enhance relationships with University executive teams, human resources, and management to ascertain the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the statewide recruiters group and MNCARRS.
- Identify ways to enhance the new employee onboarding process that occurs within the first four months to educate University and Minnesota State system policies that promote a civil and inclusive campus community.

Accountability

The Equity & Retention Specialist / Recruitment Coordinator will be accountable to the Affirmative Action Manager.

In addition, this section will identify ways the University has determined to eliminate barriers, provide corrective actions, and achieve affirmative action goals for underutilized protected group applicants/employees (broken down by specific job categories.) These objectives have been developed as strategic, actionable and measurable efforts Minnesota State University, Mankato has committed to pursuing and implementing from 2018-2020. Although the job categories and underutilization of specific groups have been identified, the efforts set forth in this plan are also intentionally broad to address the University as a whole as indicated in the program objectives above.

Program Objectives for Women

The following job categories have been identified as underutilized for women.

Job Category	Percent women employees in category	Percent women hired in category	Percent women separated in category
Classified			
Professionals	46.15%	40.54%	35.29%
Skilled Craft	0%	0%	0%
Service Maintenance/ Protective Services	25.41%	29.41%	29.41%

The following corrective actions have been planned to eliminate the barriers for women in each category.

Classified – Professionals

The Office of Equal Opportunity & Title IX and the Human Resources Office will work in conjunction with the units identified as hiring and supervising the majority of vacancies and employees in the Classified – Professionals job category to establish intentional recruitment and retention strategies influenced by separation data analysis.

Classified – Skilled Craft

The Human Resources office and the Office of Equal Opportunity & Title IX will work with the units under which the Skilled Craft job category are positioned to develop strategies for advertising job postings to women when vacancies are available.

Service/Maintenance/Protective Services

The Human Resources office and the Office of Equal Opportunity & Title IX will work with the units under which the Service/Maintenance/Protective Services job category are positioned to develop strategies for advertising job postings to women when vacancies are available.

Recruitment actions for women in these categories:

Search committees and hiring managers will 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. To support these efforts, the University will revise its advertising resources list to be provided to hiring managers to assist in identifying sources that may not have been previously sought to outreach to women. The list will be revised to include local, state and national resources, and be re-organized to include resources that may be more useful for certain job categories.

In addition, the Offices of Equal Opportunity & Title IX and the Human Resources office will continue to provide educational sessions and enhanced guidance to all search committees implementing the updated Minnesota State system Search Handbook in order to assist them in achieving their hiring goals for women during the pendency of the 2018-2020 Plan.

The Office of Equal Opportunity & Title IX will explore ways to enhance/assist with personal outreach for recruiting new hires to encourage more women to apply for positions at Minnesota State University, Mankato. For example, through these efforts, the Equity & Retention Specialist / Recruitment Coordinator may develop “talking points” to be provided to employees attending recruitment events and other opportunities such as specialized conferences and trainings, to outreach to prospective candidates.

The University will explore the use of specialized groups that may assist with the retention efforts of women employees across all job categories. For example, the Information and Technology division at Minnesota State University, Mankato has established a Women in IT Affinity Group. Additionally, the

University will support the efforts of the State of Minnesota Employee Resource Group (ERG) through participation of members who are employees of the University.

Recruitment barriers identified for women in these categories:

The percentage of women remained relatively the same despite an increase in the number of employees in the Classified – Professionals job category. Women made up approximately 41% of applicants in this job category, and were approximately 40.5% of hires during the 2016-2018 period. This suggests that recruitment strategies to increase the number of women applicants will be especially important in order to make steps toward addressing the underutilization of women in this job category.

During the 2016-2018 Affirmative Action Plan period, only one position was vacant/posted for the Classified – Skilled Craft job category. There were no separations in the Skilled Craft job category. These factors contributed to the hiring goal of two women for the 2016-2018 plan years in this job category not being met. As indicated in the objectives to address the underutilization of women in this job category, efforts will be made to develop strategies to recruit women in the case that vacancies become available.

During the 2016-2018 Affirmative Action Plan period, the number of employees in the Classified – Service/Maintenance/Protective Services job categories increased by less than 10. Even with the increase, the percentage of women in these job categories remained relatively the same. Women made up approximately 22.4% of applicants in these job categories, and were approximately 29.4% of hires during the 2016-2018 period. Likewise, as with the Skilled Crafts job category, efforts will be made to develop strategies to recruit women in the case that vacancies become available in the Service/Maintenance/Protective Services job categories.

Future Evaluation:

At the conclusion of each quarter, Minnesota State University, Mankato will assess the demographics of the applicant pools for posted positions in the EEO4 job categories which have been identified as being underutilized. After one year, the hiring data will be evaluated along with data of the separations during the one-year time period to assess the progress of the program objectives and determine if modifications should be made.

Past Evaluation:

The hiring goal for women in the Classified – Professionals job category was four during the 2016-2018 Affirmative Action Plan period. The goal was exceeded by one in this job category. During the 2016-2018 Affirmative Action Plan period, the hiring goal of four women for Classified – Service/Maintenance/Protective Services job categories was also exceeded by one. To continue to exceed the University's hiring goal, the development of recruitment strategies should include resources for hiring managers to best utilize outreach to prospective candidates through personal referrals.

Person's Responsible:

- **Affirmative Action Manager, Director of Equal Opportunity & Title IX**
- **Human Resources Director**
- **Provost and Deans**
- **Senior Managers and Facility Executive Team Leaders**

Target Dates:

The advertising resources guide will be revised during the first year of the 2018-2020 Plan period with a target completion date of July 31, 2019. The University will consider ways to have the guide available in a format that can be easily accessible to hiring managers and search committees, with the ability to also offer an easy method for revisions so that information is current and up-to-date.

The Offices of Equal Opportunity & Title IX and Human Resources will be meeting during the first year of the 2018-2020 to establish a timeline for enhancing the guidance to all search committees and providing educational sessions during the latter part of the first year into the second year beginning in summer 2019.

The timeline for the Office of Equal Opportunity & Title IX to explore ways to enhance/assist with personal outreach for recruiting new women hires will be within the first year of the 2018-2020 Plan period. This timeframe will be re-evaluated depending on the progress to establish the Equity & Retention Specialist / Recruitment Coordinator.

The University will evaluate the progress of exploring the use of specialized groups within the first year of the 2018-2020 Plan period. The Office of Equal Opportunity & Title IX will review the progress of the Women in IT Affinity Group on a semi-annual basis.

Program Objectives for Racial/Ethnic Minorities

The following job categories have been identified as underutilized for racial/ethnic minorities.

Job Category	Percent minorities employees in category	Percent minorities hired in category	Percent minorities separated in category
Unclassified			
Officials/Administrators (220)	9.38%	0%	0%
Faculty	18.75%	25.30%	13.85%
Classified			
Professionals	6.29%	10.81%	5.88%

Job Category	Percent minorities employees in category	Percent minorities hired in category	Percent minorities separated in category
Office/Clerical	3.83%	0%	4.76%
Technical/Paraprofessional	3.51%	0%	66.67%
Skilled Craft	5.26%	0%	0%
Service/Maintenance/Protective Services	3.94%	14.71%	17.65%

The following corrective action has been planned to eliminate the barriers for racial/ethnic minorities in each category.

As stated in the University-Wide Program Objectives, Minnesota State University, Mankato will continue efforts to conduct periodic audits of recruitment activity to measure effectiveness of efforts and activities to attain strategic hiring goals and objectives for racial/ethnic minorities across all job categories. Additionally, the University will review best practices in recruitment and retention including, but not limited to, those offered by the Upper Midwest Higher Education Recruitment Consortium.

Additionally, the University will maintain and enhance relationships with community stakeholders, colleges and universities, and workforce centers to continue its efforts of establishing recruitment strategies for racial/ethnic minorities. The University plans to have these efforts under the direction of the Equity & Retention Specialist / Recruitment Coordinator.

Recruitment actions for racial/ethnic minorities in these categories:

Search committees and hiring managers will 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.

In addition, the Offices of Equal Opportunity & Title IX and Human Resources will continue to provide educational sessions and enhanced guidance to all search committees implementing the updated MnSCU Search Handbook in order to assist them in achieving their hiring goals for racial/ethnic minorities during the pendency of the 2018-2020 Plan.

Recruitment barriers identified for racial/ethnic minorities in these categories:

Racial/ethnic minorities continue to be underutilized in the Unclassified – Officials/Administrators (220) job category. Although the percentage of racial/ethnic minorities increased by 0.56%, this was attributed to the total number of employees in this group decreasing during the 2016-2018 Affirmative Action Plan period. Among those hired in this job category, there were no applicants who identified as a member of a racial/ethnic minority group.

Although the number of employees in the Classified – Professionals job category increased by 12 during the 2016-2018 period, the number of ethnic/racial minority employees remained the same. Only approximately 10.8% of those hired identified themselves as a member of a racial/ethnic minority group.

Although the underutilization of racial/ethnic minorities in the Classified – Office/Clerical improved, the hiring goal was not met as no applicants among those hired in this job category identified as a member of a racial/ethnic minority group. The improvement is likely due to there being less than 10 separations of a racial/ethnic minorities and a decrease in the total number of employees in this job category.

Despite an increase in the total number of employees in the Classified – Technical/Paraprofessional job categories, the total number of racial/ethnic minority employees remained the same at the end of the 2016-2018 period. Of the 10 employees hired during the 2016-2018 period, no applicants identified as being a member of a racial/ethnic group. Although the job category experienced less than 10 separations during the 2016-2018, some employees amongst the separations identified as members of a racial/ethnic minority group.

During the 2016-2018 Affirmative Action Plan period, only one position was vacant/posted for the Classified – Skilled Craft job category. There were no separations in the Skilled Craft job category. These factors contributed to the hiring goal of one racial/ethnic minority for the 2016-2018 plan years in this job category not being met. As indicated in the objectives to address the underutilization of racial/ethnic minorities in most job categories, efforts will be made to develop strategies to recruit racial/ethnic minorities in the case that vacancies become available for Skilled Craft job category.

During the 2016-2018 Affirmative Action Plan period, the number of employees in the Classified – Service/Maintenance/Protective Services job categories increased. Even with the increase, the percentage of racial/ethnic minorities in these job categories remained relatively the same. Racial/ethnic minorities made up approximately 13.9% of applicants in these job categories, and were approximately 14.7% of hires during the 2016-2018 period. Likewise, as with the Skilled Crafts job category, efforts will be made to develop strategies to recruit racial/ethnic minorities in the case that vacancies become available in the Service/Maintenance/Protective Services job categories.

Future Evaluation:

Further analysis is needed to review the applicant data for Unclassified – Professionals as the total number of racial/ethnic minorities in the group remained the same despite the number of total employees in the group increasing by 12. For example, a review should be conducted of the number of applicants that identified as racial/ethnic minorities compared to those hired.

Of note, of those hired who identified as white across the Unclassified – Officials/Administrators, Unclassified – Professionals and Faculty job categories, approximately 23.2% indicated personal contacts as a referral source, as compared to only 6.4% for those who identified as a member of a racial/ethnic minority group. Further analysis should be conducted to try to identify recruitment strategies that can utilize outreach through personal contacts.

Further analysis is also needed to review the applicant data and hires for all Classified job categories. Of the 3,754 applicants for all the vacancies in the Classified job categories, 13.94% of applicants identified as a member of a racial/ethnic minority group. In order to make progress in the underutilization of racial/ethnic minority groups across all Classified job categories, efforts will need to be made to increase the number of applicants identifying as a member of a racial/ethnic minority group.

At the conclusion of each quarter, Minnesota State University, Mankato will assess the demographics of the applicant pools for posted positions in the EEO4 job categories which have been identified as being underutilized. After one year, the hiring data will be evaluated along with data of the separations during the one-year time period to assess the progress of the program objectives and determine if modifications should be made.

Past Evaluation:

Although the Unclassified – Professionals job category remained the same without an underutilization for racial/ethnic minorities, data suggests that the number of employees who identify as a member of a racial/ethnic minority group has been decreasing over time. In order for the University not to experience an underutilization, attention needs to be paid to this job category by reviewing retention and hiring data.

The percentage of racial/ethnic minorities increased by 2.0% in the Faculty job category despite a decrease in the total number of employees in this group by 17. Of the 83 employees hired in the Faculty job category, approximately 25.3% were racial/ethnic minorities. The underutilization of ethnic minorities in the Faculty job category improved by 14. In order to continue to make improvements, past efforts should be reviewed to identify the areas of success in recruitment and retention.

Racial/ethnic minorities were 66.67% of separations for the Classified – Technical/Paraprofessional job categories.

Generally, hiring goals for racial/ethnic minorities were not met across six of the job categories for which goals were established for the 2016-2018 period. At the same time, 39.3% of hires among racial/ethnic minorities were in job categories without a hiring goal. The efforts set forth to meet hiring goals among the job categories in which hiring goals were established but not met should be evaluated further to identify search committee training and/or resource needs, and recruitment strategies.

Person's Responsible:

- **Affirmative Action Manager, Director of Equal Opportunity & Title IX**
- **Human Resources Director**
- **Provost and Deans**
- **Senior Managers and Faculty Executive Team Leaders**

Target Dates:

Minnesota State University, Mankato will conduct periodic audits of recruitment activity during the first year of the 2018-2020 Plan period. During this time, the University will also review best practices in recruitment and retention. The Offices of Equal Opportunity & Title IX and Human Resources will be meeting during the first year of the 2018-2020 to establish a timeline for enhancing the guidance to all search committees and providing educational sessions during the latter part of the first year into the second year beginning in summer 2019.

Within the six months of the 2018-2020 Plan period, the University will develop a list of community stakeholders, colleges and universities, and workforce centers. During the remainder of the plan period, the University will then explore and implement best practices for establishing and maintaining relationships with the entities/individuals from the list developed. This timeframe will be re-evaluated depending on the progress to establish the Equity & Retention Specialist / Recruitment Coordinator.

Program Objectives for Individuals with Disabilities

The following job categories have been identified as underutilized for individuals with disabilities.

List job category name	Percent individuals with disabilities employees in category	Percent individuals with disabilities hired in category	Percent individuals with disabilities separated in category
Unclassified			
Officials/Administrators (220)	0%	0%	0%
Professionals (211)	1.11%	2.22%	0%
Faculty	0.84%	0%	0%
Classified			
Professionals	2.80%	5.41%	5.88%
Office/Clerical	2.73%	6.25%	0%
Technical/Paraprofessional	0%	0%	0%
Skilled Craft	0%	0%	0%
Service/Maintenance/ Protective Services	0.79%	8.82%	0%

The following corrective action has been planned to eliminate the barriers for individuals with disabilities in each category.

As individuals with disabilities continue to be underutilized in all job categories, it is necessary for Minnesota State University, Mankato to evaluate all of its efforts in the recruitment and retention strategies for individuals with disabilities.

Minnesota State University, Mankato has utilized suggestions from Minnesota Management and Budget to establish the following methods to improve recruitment of individuals with disabilities:

- Inform the public that Minnesota State University, Mankato provides reasonable accommodations in accordance with the Minnesota Human Rights Act, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
- When disseminating vacancy announcements, Minnesota State University, Mankato strives to include organizations and agencies that are utilized by individuals with disabilities.
- Establish working relationships with agencies and organizations that are utilized by individuals with disabilities so that these organizations may inform their constituents of job opportunities at Minnesota State University, Mankato.

Recruitment actions for individuals with disabilities in these categories:

All job groups under this Plan will continue to strive to meet or exceed their respective hiring goals. Search committees and hiring managers continue to strive to advertise and promote vacancies beyond the established advertising resources in order to attract individuals with disabilities into all vacant position applicant pools at Minnesota State University, Mankato. 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 an annual or bi-annual survey.

In addition, continued emphasis will be placed on search committees and hiring managers to expand on their non-advertising outreach efforts to encourage more individuals with disabilities to apply for positions at Minnesota State University, Mankato. The Offices of Equal Opportunity & Title IX and Human Resources will continue to provide educational sessions and enhanced guidance to all search committees implementing the updated Minnesota State system Search Handbook in order to assist them in achieving their hiring goals for individuals with disabilities under the 2018-2020 Plan.

Recruitment barriers identified for individuals with disabilities in these categories:

As all job categories continue to experience the underutilization of individuals with disabilities, the recruitment strategies and retention efforts need to be evaluated on a systemic level. It is unclear what recruitment strategies, including the use of advertising sources, are being utilized to attract qualified applicants of this protected group.

Future Evaluation:

Further analysis should be conducted to review any barriers or concerns that might exist that may influence whether an individual identifies as a person with a disability in the application process and upon hire.

Further review of training available to search committees in the area of recruitment for individuals with disabilities should be conducted to identify areas where training and resources can be provided.

At the conclusion of each quarter, Minnesota State University, Mankato will assess the demographics of the applicant pools for posted positions in the EEO4 job categories, which have been identified as being underutilized. After one year, the hiring data will be evaluated along with data of the separations during the one-year time period to assess the progress of the program objectives and determine if modifications should be made.

Past Evaluation:

Hiring goals for individuals with disabilities were established for all job categories during the 2016-2018 period. With the exception of Classified – Service Maintenance/Protective Services, none of the hiring goals were met. However, the total number of individuals with disabilities increased by 0.56% with less than 10 additional individuals across all job categories. Individuals with disabilities also experienced the least number of separations.

Person's Responsible:

- **Affirmative Action Manager, Director of Equal Opportunity & Title IX**
- **Human Resources Director**
- **Provost and Deans**
- **Senior Managers and Facility Executive Team Leaders**

Target Dates:

Minnesota State University, Mankato will conduct periodic audits of recruitment activity during the first year of the 2018-2020 Plan period. During this time, the University will also review best practices in recruitment and retention. The Offices of Equal Opportunity & Title IX and Human Resources will be meeting during the first year of the 2018-2020 to establish a timeline for enhancing the guidance to all search committees and providing educational sessions during the latter part of the first year into the second year beginning in summer 2019.

Within the six months of the 2018-2020 Plan period, the University will develop a list of community stakeholders, colleges and universities, and workforce centers. During the remainder of the plan period, the University will then explore and implement best practices for establishing and maintaining relationships with the entities/individuals from the list developed. This timeframe will be re-evaluated depending on the progress to establish the Equity & Retention Specialist / Recruitment Coordinator.

Program Objectives for Veterans

The following job categories have been identified as underutilized for veterans.

List job category name	Percent veteran employees in category	Percent veteran hired in category	Percent veteran separated in category
Unclassified			
Officials/Administrators (220)	0%	0%	0%
Professionals (211)	0.56%	0%	2.22%
Faculty	1.52%	1.20%	3.08%
Classified			
Professionals	3.50%	0%	0%
Office/Clerical	1.64%	3.13%	0%
Technical/Paraprofessional	0%	0%	0%
Skilled Craft	5.26%	0%	0%
Service/Maintenance/ Protective Services	0.79%	0%	0%

The following corrective action has been planned to eliminate the barriers for veterans in each category.

The underutilization of veterans has remained persistent since the 2016-2018 Affirmative Action Plan period. As stated in the University-wide Program Objectives, Minnesota State University, Mankato will continue efforts to conduct periodic audits of recruitment activity to measure effectiveness of efforts and activities to attain strategic hiring goals and objectives for veterans across all job categories. Additionally, the University will review best practices in recruitment and retention including, but not limited to, those offered by the State of Minnesota Veterans Employment Services.

Additionally, the University will maintain and enhance relationships with community stakeholders, colleges and universities, and workforce centers to continue its efforts of establishing recruitment strategies for veterans. The University plans to have these efforts under the direction of the Equity & Retention Specialist / Recruitment Coordinator.

Recruitment actions for veterans in these categories:

Effective March of 2013, the Office of the Federal Contract Compliance Program (“OFCCP”) included veterans in affirmative action. Going forward, Minnesota State University, Mankato has been tracking the hiring and underutilization of veterans in accordance with the OFCCP regulations. The Office of Equal Opportunity & Title IX developed and implemented an all employee survey in May 2014 to establish a baseline number of self-identified veterans at Minnesota State University, Mankato. During the 2018-

2020 Plan period, the Office of Equal Opportunity & Title IX will evaluate its use of the survey and determine a time period for its reissuance, whether bi-annual or annual to encourage veterans to voluntarily identify themselves to gather updated data for the purposes of achieving each respective job group's hiring goal.

Further, the Office of Equal Opportunity & Title IX will engage with the University's Veterans Resource Center to seek ideas for strategic recruitment activities and recruiting sources.

Recruitment barriers identified for veterans in these categories:

As all job categories continue to experience the underutilization of veterans, the recruitment strategies and retention efforts need to be evaluated on a systemic level. It is unclear what recruitment strategies, including the use of advertising sources, are being utilized to attract qualified applicants of this protected group.

Future Evaluation:

Further analysis is needed to review the decrease in the total number of veterans across all job categories. During the 2016-2018 period, less than 10 of the total separations were attributed to veterans. However, there was a decrease by 44.7% of individuals who identified as veterans of the total number of employees across all job categories. It is unclear what factors have attributed to this decrease, and/or whether an error exists among the data reviewed to make these determinations.

Further review of training available to search committees in the area of recruitment of veterans should be conducted to identify areas where training and resources can be improved and/or provided.

At the conclusion of each quarter, Minnesota State University, Mankato will assess the demographics of the applicant pools for posted positions in the EEO4 job categories, which have been identified as being underutilized for Veterans. After one year, the hiring data will be evaluated along with data of the separations during the one-year time period to assess the progress of the program objectives and determine if modifications should be made.

Past Evaluation:

Hiring goals for veterans were established for all job categories during the 2016-2018 period, but none of the hiring goals were met. Additionally, the total number of veterans across all job categories decreased by 17 during the 2016-2018 period. As stated previously under Future Evaluation for this protected group, it is unclear what factors have attributed to this decrease, and/or whether an error exists among the data reviewed to make these determinations and further analysis is needed.

Person's Responsible:

- **Affirmative Action Manager, Director of Equal Opportunity & Title IX**
- **Human Resources Director**
- **Provost and Deans**

- **Senior Managers and Facility Executive Team Leaders**

Target Dates:

Minnesota State University, Mankato will conduct periodic audits of recruitment activity during the first year of the 2018-2020 Plan period. During this time, the University will also review best practices in recruitment and retention. The Offices of Equal Opportunity & Title IX and Human Resources will be meeting during the first year of the 2018-2020 to establish a timeline for enhancing the guidance to all search committees and providing educational sessions during the latter part of the first year into the second year beginning in summer 2019.

Within the six months of the 2018-2020 Plan period, the University will develop a list of community stakeholders, colleges and universities, and workforce centers. During the remainder of the plan period, the University will then explore and implement best practices for establishing and maintaining relationships with the entities/individuals from the list developed. This timeframe will be re-evaluated depending on the progress to establish the Equity & Retention Specialist / Recruitment Coordinator.

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Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

A report on action steps for 2016-2018 recruitment and retention plans have been completed by our divisions, colleges and administrative units and will be maintained by the Office of Equal Opportunity & Title IX to assist with future evaluation. Also filed in the Office of Human Resources are records of all unclassified hires and notes on specific recruitment activities. All such records are kept on file for four years as required by Minnesota State University, Mankato's Records Retention Schedule. In addition, all new hires receive the following types of review:

The requirement to establish methods of auditing, evaluating and reporting program success includes a procedure for pre-employment review of all hiring decisions for units where underutilization currently exists. This pre-employment review takes place as follows:

1. Unclassified Employees:

When a vacancy occurs, the following procedures will be implemented before an offer of employment is made. Please refer to the Unclassified Recruitment and Appointment Process procedures entitled, "Search Process Checklist" in the Appendix.

2. Classified Employees:

In the employment process for classified employees, the Director of Equal Opportunity & Title IX will review all relevant documentation should the individual recommended for appointment not be from an underrepresented group and qualified individuals from underrepresented groups were available for consideration.

Minnesota State University, Mankato, will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. Minnesota State University, Mankato will use the monitoring the hiring process form for every hire to track the number of women, minorities, individuals with disabilities and veterans in each stage of the selection process. Directors, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and equal opportunity professionals will review for bias.

Any time Minnesota State University, Mankato cannot justify a hire, Minnesota State University, Mankato, takes a missed opportunity. University leadership will be asked to authorize the missed opportunity. Minnesota State University, Mankato 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 invited to participate in the selection process, employees scheduling the selection process will describe the process format to the candidate (*e.g.*, interview process, testing process). All

candidates will be provided information regarding the procedure to request reasonable accommodations if necessary to allow candidates with disabilities equal opportunity to participate in the selection process. For example, describe if interview questions are offered ahead of time or what technology may be used during a test. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the selection process.

All personnel involved in the selection process will be trained and accountable for Minnesota State University, Mankato's commitment to equal opportunity and the affirmative action program and its implementation.

Pre-Review Procedure for Layoff Decisions

The Affirmative Action Director, in conjunction with Minnesota State University, Mankato's Human Resources office, shall be responsible for reviewing all pending layoffs to determine their effect on Minnesota State University, Mankato's affirmative action goals and timetables.

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

Other Methods of Program Evaluation

Minnesota State University, Mankato submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate Minnesota State University, Mankato'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 (submitted to MMB within 30 days of final disposition).

Minnesota State University, Mankato also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category (ongoing);
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact (ongoing);
- Analyzes compensation program to determine if there are patterns of discrimination (ongoing);

- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested (annually);
- Discusses progress with University leadership on a periodic basis and makes recommendations for improvement (see Program Objectives); and
- Conduct periodic confidential survey to capture data regarding those who identify as a Veteran and/or an Individual with a Disability (annual or bi-annual).

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Appendix

Minnesota State's 1B.1 Equal Opportunity and Non-discrimination 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, or gender expression is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

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

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

Part 2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Minnesota State's 1B.1.1 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, familial status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local human rights commission as defined by law is prohibited.

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

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

Not every act that may be offensive to an individual or group constitutes discrimination or harassment. Harassment includes action beyond the mere expression of views, words, symbols or thoughts that another individual finds offensive. To constitute a violation of Board Policy 1B.1, conduct must be considered sufficiently serious to deny or limit a student's or employee's ability to participate in or benefit from the services, activities, or privileges provided by Minnesota State Colleges and Universities.

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

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

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

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

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

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

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

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

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

- An employee and a student if the employee is in a position to evaluate or otherwise significantly influence the student's education, employment, housing, participation in athletics, or any other college or university activity (employee includes, for example, graduate assistants, administrators, coaches, advisors, program directors, counselors and residence life staff);
- A faculty member and a student who is enrolled in the faculty member's course, who is an advisee of the faculty member, or whose academic work is supervised or evaluated by the faculty member; and
- A supervisor and an employee under the person's supervision.
- A faculty member or other employee is prohibited from undertaking a romantic or sexual relationship or permitting one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation.

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

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

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

Part 4. Reporting incidents of discrimination/harassment.

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

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

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

Subpart C. Reports against a president. A report/complaint against a president of a college or university shall be filed with the system office. However, complaints against a president shall be processed by the college or university if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, such as tenure, promotion or non-renewal, and the president had no other substantial involvement in the matter.

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

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

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

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

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

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

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

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

Subpart C. Processing the complaint. The designated officer must be contacted in order to initiate a report/complaint under this procedure. The scope of the process used in each complaint/report shall be determined by the designated officer based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.

- Jurisdiction. The designated officer shall determine whether the report/complaint is one which should be processed through another system office, college or university procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.
- Conflicts. The designated officer should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another designated officer shall be assigned.
- Information provided to complainant. At the time the report/complaint is made, the designated officer shall:
 - Inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
 - Provide a copy of or Web address for Board Policy 1B.1 and this procedure to the complainant;
 - Determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement; and
 - Inform the complainant of the provisions of Board Policy 1B.1 prohibiting retaliation.

- Complaint documentation. The designated officer shall insure that the complaint is documented in writing. The designated officer may request, but not require the complainant to document the complaint in writing using the complaint form of the system office, college or university.
- Information provided to the respondent. At the time initial contact is made with the respondent, the designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At the initial meeting with the respondent, the designated officer shall:
 - Provide a copy of or Web address for Board Policy 1B.1 and this procedure to the respondent;
 - Provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
 - Explain to the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
 - Determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement; and
 - Inform the respondent of the provisions of Board Policy 1B.1 prohibiting retaliation.
- Investigatory process. The designated officer shall:
 - Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
 - Inform the witnesses and other involved individuals of the prohibition against retaliation;
 - Create, gather and maintain investigative documentation as appropriate;
 - Disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
 - Handle all data in accordance with applicable federal and state privacy laws.
- Interim actions.
 - Employee reassignment or administrative leave. Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
 - Student summary suspension or other action. Under appropriate circumstances, the president or designee may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary

suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

- No basis to proceed. At any point during the processing of the complaint, the designated officer may determine that there is no basis to proceed under Board Policy 1B.1. The designated officer shall refer the complaint as appropriate. The designated officer shall notify the complainant and respondent of the outcome as appropriate, in accordance with applicable data privacy laws.
- Timely Completion. Colleges, universities and the system office must provide resources sufficient to complete the investigative process and issue a written response within 60 days after a complaint is made, unless reasonable cause for delay exists. The designated officer shall notify the complainant and respondent if the written response is not expected to be issued within the 60 day period. The college, university or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

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

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

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

Designated officer. The designated officer shall:

- Prepare an investigation report and forward it to the decision-maker for review and decision;
- Take additional investigative measures as requested by the decision-maker; and
- Be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to the Family Educational Rights and Privacy Act (FERPA). In determining

the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.

Decision-maker. After receiving the investigation report prepared by the designated officer, the decision-maker shall:

- Determine whether additional steps should be taken prior to making the decision. Additional steps may include:
 - A request that the designated officer conduct further investigative measures;
 - A meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
 - A request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
- Take other measures deemed necessary to determine whether a violation of Board Policy 1B.1 has been established;
- When making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
- Determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
- As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board policy 1B.1 has been violated; and
- Conduct that is determined not to have violated Board policy 1B.1 shall be referred to another procedure for further action, if appropriate.

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

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

Part 8. Appeal.

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

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

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

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

Part 10. Distribution of board policy 1B.1 and this procedure. Information regarding Board Policy 1B.1 and this procedure shall, at a minimum, be distributed to students at the time of registration and to employees at the beginning of employment. Distribution may be accomplished by posting on an internet website, provided all students and employees are directly notified of how to access the policy and procedure by an exact address, and that they may request a paper copy. Copies of the policy and procedure shall be conspicuously posted at appropriate locations at the system office and on college and university campuses at all times and shall include the designated officers' names, locations and telephone numbers.

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

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



**Office of Equal Opportunity & Title IX
Minnesota State University, Mankato
Complaint of Discrimination/Harassment**

Date: _____

Name of Complainant:	Phone: ()
Address:	
City, State, Zip:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	

Type of Complaint: Discrimination Harassment Retaliation

I feel that I was discriminated/harassed/retaliated against because of my:

- | | | |
|---|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Sex | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Age | <input type="checkbox"/> Color | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Disability | <input type="checkbox"/> National Origin | <input type="checkbox"/> Status with Regard to Public Assistance |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Gender Expression |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Creed | <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission |

I feel that I was discriminated/harassed/retaliated against by: *(If more than one respondent, list information for each one.)*

Name of Respondent (#1):	Phone: ()
Address:	
City, State, Zip:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	

Name of Respondent (#2):	Phone: ()
Address:	
City, State, Zip:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	

(Add additional pages if necessary.)

Please list potential witnesses you believe possess information about your complaint.

Name of Witness (#1):	Phone: ()
Address:	
City, State, Zip:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	
What information can this witness provide? _____	

Name of Witness (#2):	Phone: ()
Address:	
City, State, Zip:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	
What information can this witness provide? _____	

Please explain your complaint in detail.

- (a) Describe the specific incident(s) of alleged discrimination, harassment, and/or retaliation. List times, dates, location, names and titles of the people involved in the incident(s).
- (b) State the specific reason(s) why you believe you were discriminated/harassed/retaliated against because of your protected class status (e.g., race, sex, age, disability, etc.).
- (c) Provide the names and titles of people you believe were treated more favorably than you due to your protected class status. List the protected class status (race, age, gender, disability, etc.) of each person.

If any, please attach documentation that you believe may be helpful in investigating this complaint.

I certify that the above statements are true and correct.

Complainant Signature

Statewide ADA Reasonable Accommodation Policy

Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

OBJECTIVE

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State colleges/universities must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state colleges/universities 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. Colleges/universities 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).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

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;
 - Providing a sign language interpreter; 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 Minnesota State University, Mankato. A state University is not required to provide accommodations that would impose an undue hardship on the operation of Minnesota State University, Mankato.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

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, the 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.

Minnesota State University, Mankato 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 Officer/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 Minnesota State University, Mankato 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 Minnesota State University, Mankato 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.

Minnesota State University, Mankato's 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 Minnesota State University, Mankato 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), Minnesota State University, Mankato 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 Minnesota State University, Mankato 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 Minnesota State University, Mankato. An individual may request that Minnesota State University, Mankato ADA Coordinator, a union representative, or support person be present.

Minnesota State University, Mankato ADA Coordinator shall be consulted when:

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

Minnesota State University, Mankato's 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.

Commissioner

The commissioner of Minnesota State University, Mankato or University head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

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

Supervisors and Managers

Colleges/universities 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. [Colleges/universities 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. [Colleges/universities can choose to delegate specific requests to supervisors or managers or require these types of requests to work through Minnesota State University, Mankato ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, Minnesota State University, Mankato decision maker with assistance from the 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 Minnesota State University, Mankato; and
5. Determine whether the reasonable accommodation will impose an undue hardship on Minnesota State University, Mankato's operations.

An employee's accommodation preference is always seriously considered, but Minnesota State University, Mankato 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, Minnesota State University, Mankato will not seek further medical documentation. If a requestor's disability and/or need for reasonable

accommodation are not obvious or already known, the University ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The University 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, Minnesota State University, Mankato ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). Minnesota State University, Mankato ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that Minnesota State University, Mankato receives the requested 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 Minnesota State University, Mankato may deny the reasonable accommodation request. Colleges/universities 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 the 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 the 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 the University ADA Coordinator.

Minnesota State University, Mankato 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 Minnesota State University, Mankato 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 Minnesota State University, Mankato's equal opportunity officials to maintain records and evaluate and report on Minnesota State University, Mankato'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, Minnesota State University, Mankato 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 Minnesota State University, Mankato ADA Coordinator.

Funding for reasonable accommodations

Minnesota State University, Mankato must specify how the 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.

Minnesota State University, Mankato ADA Coordinator will work with Minnesota State University, Mankato's Human Resources staff and the requestor to identify appropriate vacant positions within Minnesota State University, Mankato 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, Minnesota State University, Mankato will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that Minnesota State University, Mankato consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

Minnesota State University, Mankato ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. Minnesota State University, Mankato 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 Minnesota State University, Mankato 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 Minnesota State University, Mankato making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with Minnesota State University, Mankato's ADA Coordinator. In determining whether

granting a reasonable accommodation will cause an undue hardship, Minnesota State University, Mankato considers factors such as the nature and cost of the accommodation in relationship to the size and resources of Minnesota State University, Mankato and the impact the accommodation will have on the operations of Minnesota State University, Mankato.

Colleges/universities may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, Minnesota State University, Mankato 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, Minnesota State University, Mankato 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, colleges/universities 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 Minnesota State University, Mankato 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

Colleges/universities 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.

Colleges/universities must retain reasonable accommodation documentation according to Minnesota State University, Mankato'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.

RESPONSIBILITIES

Colleges/universities are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state colleges/universities and maintain this policy.

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial

status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs colleges/universities to make efforts to hire more individuals with disabilities and report on progress.

CONTACTS

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us

Request for Reasonable Accommodation Form



State of Minnesota – [Agency Name] Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form

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

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. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?
YES NO
 - a. If yes, please explain.

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

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

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: _____



**State of Minnesota – Minnesota State University, Mankato
 Authorization for Release of Medical Information FOR
 AMERICANS WITH DISABILITIES ACT (“ADA”) REASONABLE
 ACCOMMODATIONS**

Date: _____

To: _____

Medical Provider Name

Medical Provider Address

City

State

Zip Code

Fax Number

RE: _____

Patient Name

Date of Birth

Patient Address

City

State

Zip Code

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

Authorization for Release of Medical Information for ADA, Page 2

I authorize _____ [Name of Healthcare Provider] to disclose to Diane Roggow, or any other person, including the agency's legal counsel, who is authorized by my employer to receive medical information that is specifically related and necessary to determine whether I have a disability and whether accommodations can be made. I also authorize Diane Roggow, or others as listed above, to speak to my treating health care provider directly in regards to any questions with respect to my condition as it relates to the performance of the essential functions of my job and any accommodations that may be necessary.

I understand that the requested data is for the above-mentioned purposes only, and that I may refuse to provide the requested medical information. However, I understand that if I refuse to provide this information, my employer may refuse to provide reasonable accommodations. I also understand that this information shall remain confidential, available only under limited conditions specified under law.

This authorization is valid for one year from the date indicated below or upon receipt of my signed written notice to withdraw my consent. A photocopy is as valid as an original.

Patient Signature: _____

Date: _____



**State of Minnesota – Minnesota State University, Mankato
Letter Requesting Documentation for Determining
Americans with Disabilities Act (“ADA”) Eligibility from a Medical Provider**

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.

Date: _____

To: _____
Medical Provider Name
Medical Provider Address

RE: _____
Employee Name
Date of Birth

The above employee has requested a reasonable accommodation under the Americans with Disabilities Act (“ADA”), as amended, to enable the employee to perform the essential functions of his/her position. The information requested on this form will assist us in making a determination regarding the employee’s request. An Authorization for Release of Medical Information is attached to this document.

INSTRUCTIONS: Please complete the following form and have it signed by the employee’s attending health care provider. Attach additional pages as needed. Do not provide information not related to the employee’s ability to perform his/her job duties. For example, do not identify the impairment if it does not have an impact on the employee’s ability to do his/her job. Please do not send copies of medical records. We are not authorized to have medical records and are not qualified to interpret them.

Medical Inquiry Form in Response to an ADA Reasonable Accommodation Request

Please complete each section and fax back your signed and dated original form using the contact information below.

A. Questions to help determine whether the employee has a disability.

1. **Existence of impairment:** For reasonable accommodation under the ADA, the employee has a disability if he or she has an impairment that substantially limits one or more major life activities or a record of such impairment.

Does the employee have a physical or mental impairment?

YES NO

- a. If yes, what is the impairment?

2. **Limitations on major life activities:** Answer the following question based on what limitations the employee has when his or her condition is in an active state and what limitations the employee would have if no mitigating measures were used. Mitigating measures include things such as medication, medical supplies, equipment, hearing aids, mobility devices, assistive technology, auxiliary aids or services, prosthetics, etc. Mitigating measures do not include ordinary eyeglasses or contact lenses.

Does the impairment substantially limit a major life activity as compared to most people in the general population?

YES NO

- a. If yes, what major life activity(s) (including major bodily functions) is/are affected? (Please circle).

Bending	Hearing	Reaching	Speaking
Breathing	Interacting with Others	Reading	Standing
Caring for Self	Learning	Seeing	Thinking
Concentrating	Lifting	Sitting	Walking
Eating	Performing Manual Tasks	Sleeping	Working

Other (Describe):

Major Bodily Functions:

Bladder	Digestive	Lymphatic	Reproductive
Bowel	Endocrine	Musculoskeletal	Respiratory
Brain	Genitourinary	Neurological	Special Sense Organs
Cardiovascular	Hemic	Normal Cell Growth	Circulatory
Immune	Operation of an Organ		Other (Describe):

3. **Duration:** Describe the nature, severity and anticipated duration of the impairment.

Temporary (explain):

Anticipated duration:

Temporary with residual side effects (explain):

Permanent:

Episodic/In Remission (explain):

B. Questions to help determine whether an accommodation is needed.

An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability. The following questions may help determine whether the requested accommodation is needed because of the disability.

1. **What limitation(s) is interfering with job performance or accessing a benefit of employment?**

2. **What job functions or benefits of employment is the employee having trouble performing or accessing because of the limitation(s)?**

3. **How does the employee's limitation(s) interfere with his/her ability to perform the job function(s) or access a benefit of employment?**

C. Question to help determine effective accommodation options.

If an employee has a disability and needs an effective accommodation because of the disability, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship. The following questions may help determine effective accommodations:

1. Do you have any suggestions regarding possible accommodations to improve job performance?

YES NO

a. If so, what are they?

2. How would your suggestions improve the employee's job performance?

D. Other Questions or Comments:

Health Care Provider Information:

Name: _____

Address: _____

Phone Number: _____

Signature: _____ Date: _____

Please return the completed form to the ADA Coordinator at Minnesota State University, Mankato at the following fax number: 507-389-2960. If you experience difficulty faxing this form, please call Diane Roggow (ADA Coordinator) at 507-389-2016.

Thank you in advance for your prompt reply to the questions in the attached medical inquiry form.

Sincerely,

Diane Roggow

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.

University Unclassified Search Process Checklist

Unclassified Search Process Checklist

Date	Description
	1. Fill out the necessary position origination documents according to the Hiring Process Guidelines .
	2. Establish the Search Committee and submit the names of the committee members to HR
	<p>3. Review the Job Posting guidelines and submit Job Posting Request www.mnsu.edu/hr/jobpost/ online. For MSUAASF and Administrator positions, the Job Posting must match the Position Description.</p> <ul style="list-style-type: none"> a. HR will forward the job posting to the search chair, Dean/VP and the Office of Equal Opportunity & Title IX, for final approval before posting the position online. b. HR posts all unclassified positions on the following websites: MSU Career Opportunities, Minnesota State Employment Opportunities, HigherEdJobs.com, MinnesotaDiversity.com, Governmentjobs.com and Upper Midwest Higher Education Recruitment Consortium (HERC). In addition, all IFO Probationary positions will also be placed online with The Chronicle of Higher Education.
	4. After the position has been posted online by HR, Review recruitment guidelines and submit advertising requests .
	<p>5. Create and e-mail draft applicant screening materials to HR for review and approval. After reviewing, HR will send final recommendations and forms to the Dean and Search Chair. The applications will not be released to the search committee (in step 7) until HR has approved the screening forms. Below are example forms and templates.</p> <ul style="list-style-type: none"> 1. Initial Applicant Screening Form 2. Phone Reference Check Questions 3. Phone/Pre-Screen Interview Questions (optional) 4. On-campus interview questions 5. Teaching/presentation evaluation (optional)
	<p>6. For IFO probationary positions, the search chair must notify HR of any internal fixed term candidates eligible for prior consideration.</p> <ul style="list-style-type: none"> a. Review the prior consideration guidelines and then complete the Prior Consideration / Transfer Form. <ul style="list-style-type: none"> i. If internal fixed term is recommended for hire, proceed to step 13. ii. If internal fixed term is recommended to continue in process to be considered along with other applicants, proceed to step 7. iii. If internal fixed term is not qualified for position, notify applicant. Note: This can be done before placing print ads, but the position must be posted on the Minnesota State Mankato web page, Minnesota State web page, and HigherEdJobs.com before reviewing internal candidates.

	<p>7. HR will review all on-line applications received and:</p> <ol style="list-style-type: none"> a. Notify applicants that their application is either complete, incomplete, or if they do not meet the minimum qualifications (applicant responded 'no' to any of the minimum supplemental questions). b. Send a spreadsheet of the applicant pool to the Office of Equal Opportunity & Title IX for review and approval of the applicant pool. c. Once the pool is approved by OAA, HR will electronically forward all completed applications to the search committee. <p>NOTE: Current IFO faculty at other institutions may request transfer to MSU, per Article 31 of the IFO Master Agreement. If an applicant requests transfer in their application materials, only their application will be forwarded to the search committee for review. Upon completion of reviewing the individual's application materials, the search committee will complete the Prior Consideration/Transfer Form. The completed form will indicate the search committee's recommendation to either: A) hire the applicant who has requested transfer (then proceed to step 13) B) Review the entire applicant pool (resume search process at step 8).</p>
	<p>8. Search committee screens qualified applications using consistent, equal opportunity, and job related criteria for all candidates.</p> <ol style="list-style-type: none"> a. Evaluate the applicants using the initial applicant screening form created in step 5.1. b. (Optional) Conduct phone interviews on the (approx. 4-7) most qualified applicants, using the form created in step 5.3. c. Conduct reference checks on the (approx. 3-7) most qualified applicants, using the form created in step 5.2.
	<p>9. Determine potential finalists.</p> <ol style="list-style-type: none"> a. Submit the Finalist Approval Form and required attachments to the Dean/VP. <ol style="list-style-type: none"> 1. Required attachments include: Screening Summary Report, resume/CV for each of the proposed finalists (selected for interview and 'may be selected for interview'), job posting, Recruitment Report, and Prior Consideration Form (if applicable). b. After the Dean/VP has signed the Finalist Approval Form, they will deliver the Finalist Approval Form and attachments to HR.
	<p>10. HR will review the finalist approval packet and then give the final approval to proceed with on-campus interviews.</p> <ol style="list-style-type: none"> a. HR will e-mail Search Chair and Dean/VP with a copy of the approved finalist approval form. b. HR will e-mail finalists and request that they complete a Work Experience Summary (IFO) or (MSUAASF) and that an official transcript of their highest completed and/or required degree, be sent to HR. If an applicant is not able to provide an official transcript from their international institution, we will accept credential evaluations prepared by any National Association of Credentials Evaluation Services member.
	<p>11. Arrange and conduct interviews with finalists using the questions from the On-Campus Interview Form created in step 5. (Review Expense Reimbursement for Finalists and comply with travel regulations. Reminder: Meal expenses limited to per diem rates.)</p> <ol style="list-style-type: none"> a. Ask candidates to bring to their interview a completed: <ol style="list-style-type: none"> i. Work Experience Summary (IFO) or (MSUAASF) to be used in determining appropriate salary, if selected as the final candidate

	<ul style="list-style-type: none"> ii. Authorization to Verify Employment History, for HR to verify employment history b. Remind candidates that an official transcript must be sent to HR (see 10b) c. See additional information on conducting interviews. Be sure to redact confidential information from applications materials of finalists. See Confidentiality and Access to Applicant Materials for details. d. Provide candidates with appropriate benefit summary. e. Record results of the interviews on the Screening Summary Report form. f. Submit travel reimbursement form at completion of interview. <p>Note: If interview candidates are deemed not qualified during the interview process, or an offer is declined by an approved final candidate, any future candidates that you wish to interview from column 5 of the Screening Summary Report will first need to be approved. Submit an updated Screening Summary Report and a new Finalist Approval Form to reflect the new interview candidates.</p>
	<p>12. Submit the signed Authorization to Verify Employment History of the intended offeree directly to HR, with the PRF number written on the back. HR will conduct employment verifications of the past three (3) employers of the offeree candidate, while the offeree form is being routed for signatures from the Dean/VP, OAA, and HR.</p>
	<p>13. Complete and submit the Offeree Approval Form and required attachments, as noted on the offeree approval form. Remember, the Dean/VP makes the final selection.</p> <ul style="list-style-type: none"> a. After the Dean/VP has reviewed and approved the Offeree Approval Form/packet, they will deliver the Offeree Approval Form to HR for review. HR will contact the search chair when the Offeree Approval Form is approved. b. The VP's office and HR will review the creditable work experience packet. c. After the work experience has been calculated and approved, HR will be in contact with the Dean/VP regarding a salary offer. As a reminder, a salary offer cannot be made before the VP and HR have reviewed and approved the work experience form. <p>Note: If a candidate is not recommended for hire, complete and submit the Notice of Failed Search Form. After all signatures are obtained, HR will notify the search chair, Dean and all applicants of the failed search. Proceed to step 15.</p>
	<p>14. Dean/VP extends a verbal offer and submits a hiring transmittal packet to HR, who will create and mail a formal written offer letter, terms of appointment, and new hire paperwork. Upon receipt of a signed offer, HR will notify the Dean/VP and the Search Chair.</p>
	<p>15. HR will work with the Dean/VP and Search Chair to notify remaining finalists of non-selection. HR will then e-mail all other applicants that the search has been completed and they are no longer being considered.</p>
	<p>16. Search Chair must compile and submit all search materials to HR (i.e. screening forms, employment verification forms, screening summary report, and all other search/applicant materials). Refer to Documenting a Search.</p>

Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of Minnesota State University, Mankato's weather and emergency evacuation plans can be found at: <http://www.mnsu.edu/security/emergencies/severe/>.

Minnesota State University, Mankato (MSU) is committed to creating a safe and secure environment for all students, faculty, and staff. The MSU Emergency Preparedness information has been developed to assist the University in meeting this goal. All students and employees are encouraged to regularly review the information provided and become familiar with suggested recommendations concerning disasters or emergencies that may impact the Minnesota State University, Mankato community.

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 in each University will work to develop a plan and consult the appropriate building and safety personnel. A plan template can be found at: <http://nfpa.org/public-education/by-topic/people-at-risk/people-with-disabilities>.

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

University ADA Coordinator, (507) 389-6075, brian.breck@mnsu.edu

Evacuation Options:

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

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

- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or

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

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** Minnesota State University, Mankato's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** Minnesota State University, Mankato's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;

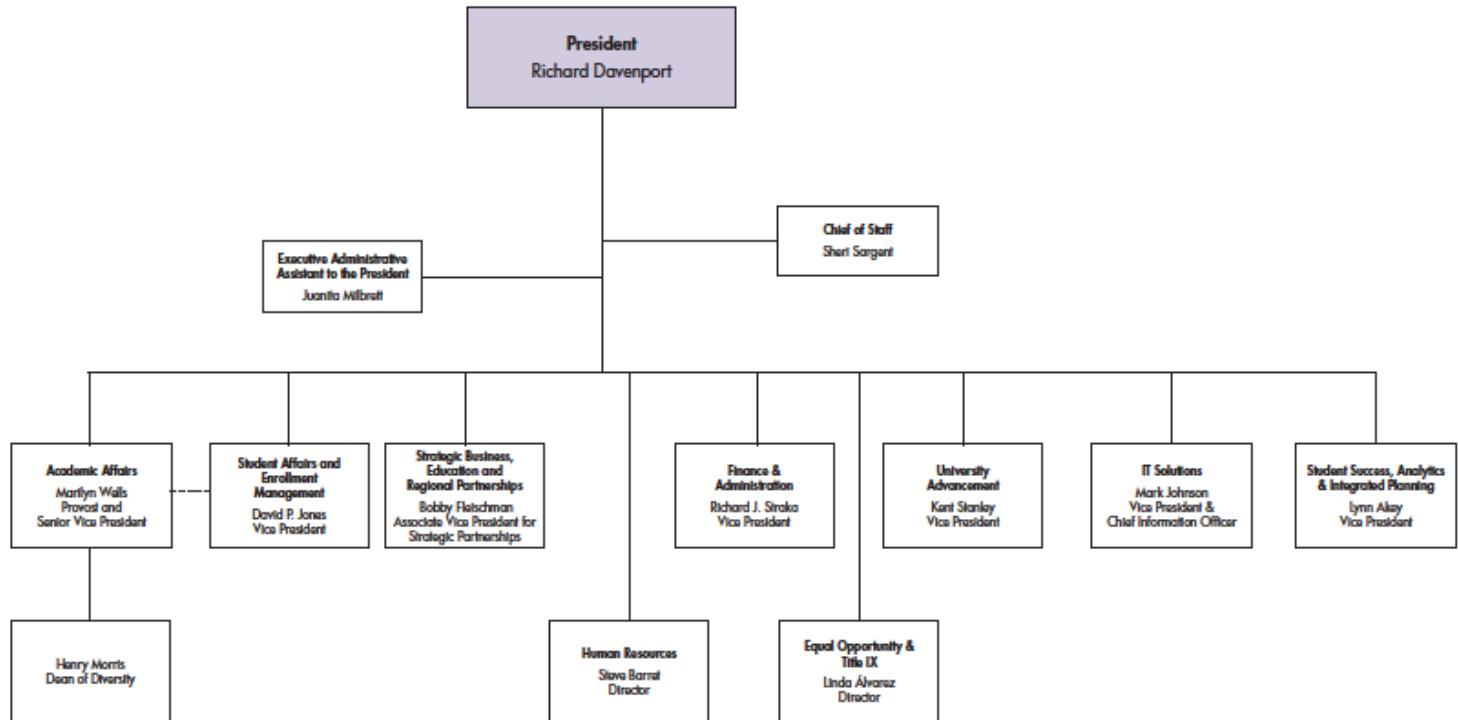
- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

Minnesota State University, Mankato's Organizational Chart



Richard Davenport

University Administration Organization Minnesota State University, Mankato April 30, 2019



Utilization Analysis Tables

WOMEN				
Job Categories	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Unclassified				
Officials/Administrators (220)	0	0	S	0
Professionals (211)	0	0	S	0
Faculty	0	0	S	0
Classified				
Professionals	14	12	NI	2
Office/Clerical	0	0	S	0
Technical/Paraprofessional	0	0	S	0
Skilled Craft	<10	<10	S	0
Service Maintenance/Protective Services	21	24	I	3

RACIAL/ETHNIC MINORITIES				
Job Categories	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Unclassified				
Officials/Administrators (220)	<10	<10	S	0
Professionals (211)	0	0	S	0
Faculty	36	50	I	14
Classified				
Professionals	<10	<10	NI	1
Office/Clerical	12	16	I	4
Technical/Paraprofessional	<10	<10	NI	1
Skilled Craft	<10	<10	S	0
Service Maintenance/Protective Services	20	20	S	0

INDIVIDUALS WITH DISABILITIES				
Job Categories	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Unclassified				
Officials/Administrators (220)	<10	<10	S	0
Professionals (211)	11	11	S	0
Faculty	36	38	I	2
Classified				
Professionals	<10	<10	I	2
Office/Clerical	<10	11	I	3
Technical/Paraprofessional	<10	<10	NI	1
Skilled Craft	<10	<10	S	0
Service Maintenance/Protective Services	<10	<10	NI	1

VETERANS				
Job Categories	AAP 2018-2020 Number Underutilized	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Unclassified				
Officials/Administrators (220)	<10	<10	S	0
Professionals (211)	13	13	S	0
Faculty	38	28	NI	10
Classified				
Professionals	<10	<10	NI	3
Office/Clerical	12	11	NI	1
Technical/Paraprofessional	<10	<10	NI	1
Skilled Craft	<10	0	NI	1
Service Maintenance/Protective Services	<10	<10	S	0