



# EQUAL OPPORTUNITY and AFFIRMATIVE ACTION PLAN 2018-2020

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**MINNESOTA STATE**

*Minnesota State Community and Technical College,  
A member of the Minnesota State system, is an affirmative  
action, equal opportunity educator and employer.*

This report cost approximately \$1,250 to prepare, including staff, time, printing and mailing.  
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

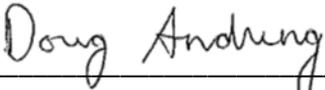
Review revealed underutilization of the following protected group(s) in the following job categories:

Table 1. Underutilization Analysis of Protected Groups

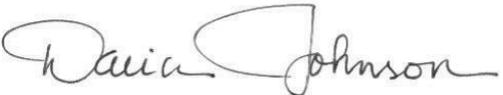
Job Categories	PROTECTED GROUPS			
	Women	Racial/Ethnic Minorities	Indiv. With Disabilities	Veterans
Officials/Administrators		XX		XX
Professionals-Faculty		XX	XX	XX
Professionals-Non-Faculty		XX		XX
Technicians				XX
Office/Clerical/Paraprofessionals		XX	XX	XX
Skilled Craft				
Service Maintenance	XX			XX

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

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

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

\_\_\_\_\_ 7/31/18  
 (date)

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

\_\_\_\_\_ 7/31/18  
 (date)

  
 \_\_\_\_\_  
 President

\_\_\_\_\_ 7/31/18  
 (date)

## Organizational Profile

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Minnesota State Community and Technical College's (M State) vision is "A success story for every student," and your success is our No. 1 priority, whether you are attending one of our four campuses in Detroit Lakes, Fergus Falls, Moorhead or Wadena, or taking classes online or at an off-site location. We are here to serve you, no matter what stage you're at in your educational journey.

Our students come to M State for a variety of reasons - for career and technical training programs, for transfer education, for enhancing their job skills to become a better employee or for the pleasure of lifelong learning. We recognize that every M State student has a story and brings their life experiences and dreams into our classrooms, and we are honored to have the privilege of working with you to meet your educational goals.

Our faculty and staff are "all in" in their dedication to the values of integrity, inclusion and innovation reflected in our programs and in the support we offer to our students. M State takes pride in its beautiful campuses, and we invite you to visit our buildings and classrooms to see our mission in action: "We welcome all students and engage them in shaping their futures and their communities."

Learn more about M State's [program and career opportunities](#), our [affordability](#), the [services](#) we provide to all students and the many ways we help to strengthen business and [industry](#) development in our region through [Workforce Development Solutions](#).

## Statement of Commitment

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This statement reaffirms M State 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.
- This college is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from

discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.

- This college will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This college will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this college/university will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

President: \_\_\_\_\_  \_\_\_\_\_ Date Signed: 7/31/18

# Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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## 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 will report annually to the Chancellor regarding the college'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 Officer or designee and include accountability for the administration of the college'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 department'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 the college.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and college's mission.
- Report annually to the Chancellor the college's progress in affirmative action.
- Notify all contractors and sub-contractors with the college 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 college administrators, managers, and supervisors include responsibility statements for the 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 Commissioner of MMB for affirmative action matters.

## **Name of individual(s) responsible**

**Name:** Carrie Brimhall

**Email:** Carrie.Brimhall@minnesota.edu

**Title:** President

**Phone:** 218-736-1503

## **B. Affirmative Action Officer**

### **Responsibilities**

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

### **Duties**

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

- Develop and administer the college's Affirmative Action Plan.
- Develop and set college-wide affirmative action hiring goals.
- Monitor college compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the college.
- Inform the President on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between the college, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the college 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 the college.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage the college'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 administrators and supervisors 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.
- 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.
- Oversee the administration of the college diversity recruitment program.

### **Accountability**

The Affirmative Action Officer is accountable to the President for program impacts and for ongoing program activities and direction.

### **Name of individual(s) responsible**

**1. Name: Doug Andring**

**Email: Doug.Andring@minnesota.edu**

**Title: Assistant Director Human Resources**

**Phone: 218-299-6870**

### **C. Human Resources Director**

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies. Human Resources Directors are responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with the college, assisting administrators and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the Human Resources Director.

### **Duties**

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

- Maintain effective working relationships with college 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 administrators 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 administrators, supervisors and the Affirmative Action Officer 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.
- Assist administrators, supervisors, affirmative action officers, and human resources staff in the intentional creation of Supported worker positions that assist in reduction of college costs by diverting supportive employment duties from higher skilled workers to a supported worker position and thus improve employee morale and retention of individuals with disabilities in integrated employment.
- 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.

### **Accountability**

The Human Resources Director is directly accountable to the President. Additionally, the Human Resources Department ensures that aggregate data and trends of complaints of illegal discrimination in hiring are provided and shared with the Affirmative Action Officer on a quarterly basis.

### **Name of individual(s) responsible**

**1. Name: Dacia Johnson**

**Email: Dacia.Johnson@minnesota.edu**

**Title: Director of Human Resources**

**Phone: 218-736-1512**

## **D. Americans with Disabilities Act Title I Coordinator**

### **Responsibilities**

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for the oversight of the college’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 college management with regard to the ADA in the development and implementation of college procedures, and practices to ensure college employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to college 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.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing college 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.
- Assist the Affirmative Action Officer 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 Director of Human Resources.

## **Name of individual(s) responsible**

**1. Name: Doug Andring**

**Email: Doug.Andring@minnesota.edu**

**Title: Assistant Director Human Resources**

**Phone: 218-299-6870**

## **D. Americans with Disabilities Act Title II Coordinator**

### **Responsibilities**

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible for the oversight of the college 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 college management with regard to the ADA in the development and implementation of college policy, procedures, and practices to ensure college services and programs are accessible and nondiscriminatory for the public.
- Provide training, technical guidance, and consultation to the college 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 college 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.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for college 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 each request.

- After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the college. This review shall be documented and reported in the State ADA Annual Report.

### **Accountability:**

The ADA Title II Coordinator is accountable to the President.

### **Name of individual(s) responsible**

**1. Name: Pat Nordick**

**Email: Pat.Nordick@minnesota.edu**

**Title: Chief Financial Officer**

**Phone: 218-631-7920**

## **E. 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 who believe they have been subjected to such discrimination or harassment are encouraged to use the college 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 the President. Employees are responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

# Communication of the Affirmative Action Plan

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

## Internal Methods of Communication

- An e-mail detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the College's leadership or alternatively, the Affirmative Action Officer, to all faculty and staff.
- The college's Affirmative Action Plan is available to all employees on the college's internal website at <http://www.minnesota.edu/?id=496> or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.
- A physical copy of the college Affirmative Action Plan will be available to employees at the following address: M State Human Resources Office, 1900 28<sup>th</sup> Avenue South, Moorhead, MN 56560.
- The College's Affirmative Action Plan is available to all employees in print copy to anyone who requests it. As requested, the College will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.
- Affirmative Action Plan goals are communicated to search committees where underutilization exists.

## External Methods of Communication

- The college's Affirmative Action Plan is available on the college's public website at <http://www.minnesota.edu/?id=496> or in print copy to anyone who requests it. As requested, the college will make the plan available in alternative formats.
- The college's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer" and "women, minorities, and individuals with disabilities are encouraged to apply." The college 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 the college's Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address: M State Human Resources Office, 1900 28<sup>th</sup> Avenue South, Moorhead, MN 56560.

## Underutilization Analysis and Affirmative Action Goals

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

**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 college. The sixth, seventh, eighth, and ninth columns show the college/university's hiring goals for each group in each category.

Job Categories	Underutilization - # of Individuals				Hiring Goals for 2018-2020			
	Women	Minorities	Persons with Disabilities	Veterans	Women	Minorities	Persons with Disabilities	Veterans
Officials/ Administrators	0	3	0	1	0	1	0	1
Professionals- Faculty	0	31	8	11	0	2	1	1
Professionals- Non Faculty	0	1	0	4	0	1	0	2
Technicians	0	0	0	1	0	0	0	1
Office/Clerical/ Paraprofessional	0	1	4	6	0	1	2	2
Skilled Craft	0	0	0	0	0	0	0	0
Service Maintenance	2	0	0	2	2	0	0	2

## **Availability:**

The College determined the recruitment area to be the Moorhead/Fargo Metropolitan statistical area for the EEO Job Categories of Office/Clerical/Paraprofessionals, Professionals-Non Faculty, Service Maintenance, Skilled Craft, and Technicians. National availability statistical data was used for the EEO Job Categories of Officials and Administrators and Professionals-Faculty per Minnesota State recommendation. In conducting its underutilization analysis, the college used the one factor analysis. The College determined it was best to use this type of analysis because it helps to identify relationships between variables, assists in data reduction, and helps the researcher to cluster the product and population being analyzed.

## **Women:**

The College is currently underutilized by 2 in the EEO category of Service Maintenance and has remained the same from plan year 2016-2018 to 2018-2020. We are meeting goals in all other EEO categories. In FY 17 & 18, we hired a total of 7 employees in the category of Service Maintenance. We predict better stability and less separations in this category for the current plan years and have set a goal of 2 hires for the category of Service Maintenance-Women. The college's budget for the next biennium will play a significant role in filling future vacancies and advertising.

We will continue to strive for qualified and diverse applicant pools through targeted posting sources utilizing limited budgetary resources.

## **Minorities:**

The College is currently underutilized by 3 in the EEO category of Officials/Administrators, 31 in Professionals-Faculty, 1 in Professionals-Non-Faculty, and 1 in Office/Clerical/Paraprofessionals. From plan year 2016-2018 to 2018-2020 we have remained the same in Officials/Administrators, improved by 4 in Professionals-Faculty, not improved by 1 in Professionals-Non-Faculty, and remained the same in Office/Clerical/Paraprofessionals. We are meeting goals in all other EEO categories. Information for FY 17 & 18 is as follows: We hired a total of 3 employees in the category of Officials/Administrators. We predict similar separation numbers in this category for the current plan years and have set a goal of 1 hire. We hired a total of 12 employees in the category of Professionals-Faculty. We predict similar separation numbers due to retirements and resignations in this category for the current plan years and have set a goal of 2 hires. We hired a total of 19 employees in the category of Professionals-Non-Faculty. We predict similar to less separation numbers in this category for the current plan years and have set a goal of 1 hire. We hired a total of 12 employees in the category of Office/Clerical/Paraprofessionals. We predict similar to less separation numbers in this category for the current plan years and have set a goal of 1 hire. The college's budget for the next biennium will play a significant role in filling future vacancies and advertising.

We will continue to strive for qualified and diverse applicant pools through targeted posting sources utilizing limited budgetary resources.

## **Individuals with Disabilities:**

The College is currently underutilized by 8 in the EEO category of Professionals-Faculty and 4 in Office/Clerical/Paraprofessionals. From plan year 2016-2018 to 2018-2020 we improved by 1 in Professionals-Faculty and did not improve by 3 in Office/Clerical/Paraprofessionals. We are meeting goals in all other EEO categories. Information for FY 17 & 18 is as follows: We hired a total of 12 employees in the category of Professionals-Faculty. We predict similar separation numbers due to retirements and resignations in this category for the current plan years and have set a goal of 1 hire. We hired a total of 12 employees in the category of Office/Clerical/Paraprofessionals. We predict similar to less separation numbers in this category for the current plan years and have set a goal of 2 hires. The college's budget for the next biennium will play a significant role in filling future vacancies and advertising.

We will continue to strive for qualified and diverse applicant pools through targeted posting sources utilizing limited budgetary resources

## **Veterans:**

Effective March of 2013, the Office of the Federal Contract Compliance Program ("OFCCP") included veterans in affirmative action reporting.

The College is currently underutilized by 1 in the EEO category of Officials/Administrators, 11 in Professionals-Faculty, 4 in Professionals-Non-Faculty, 1 in Technicians, 6 in Office/Clerical/Paraprofessionals, and 2 in Service Maintenance. From plan year 2016-2018 to 2018-2020 we have remained the same in Officials/Administrators, improved by 4 in Professionals-Faculty, not improved by 1 in Professionals-Non-Faculty, and remained the same in Office/Clerical/Paraprofessionals. We are meeting goals in Skilled Craft. Information for FY 17 & 18 is as follows: We hired a total of 3 employees in the category of Officials/Administrators. We predict similar separation numbers in this category for the current plan years and have set a goal of 1 hire. We hired a total of 12 employees in the category of Professionals-Faculty. We predict similar separation numbers due to retirements and resignations in this category for the current plan years and have set a goal of 1 hire. We hired a total of 19 employees in the category of Professionals-Non-Faculty. We predict similar to less separation numbers in this category for the current plan years and have set a goal of 2 hires. We hired a total of 6 employees in the category of Technicians. We predict similar separation numbers in this category for the current plan years and have set a goal of 1. We hired a total of 12 employees in the category of Office/Clerical/Paraprofessionals. We predict similar to less separation numbers in this category for the current plan years and have set a goal of 2 hires. We hired a total of 7 employees in the category of Service Maintenance. We predict better stability and less separations in this category for the current plan years and have set a goal of 2 hires. The college's budget for the next biennium will play a significant role in filling future vacancies and advertising

We will continue to strive for qualified and diverse applicant pools through targeted posting sources utilizing limited budgetary resources.

## Separation and Retention Analysis by Protected Groups

The college is committed to the retention of all employees, including members of the following protected groups: women, minorities, individuals with disabilities and veterans. The college 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. The college's retention strategy is a multi-faceted approach, guided by the college Administrators/Supervisors, Human Resources Director, and Affirmative Action Officer.

### Person's Responsible for College Retention Programs/Activities

Title	Contact Information
President	218-736-1503
Human Resources Director	218-736-1512
Affirmative Action Officer	218-299-6870

The college 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 EEO7 job categories. Below is a snapshot of the college separations throughout the past two years as well as a narrative describing the separation analysis:

Table 1 Type of Separation

Type of Separation FY2016-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Persons w/ Disabilities	Percent of Veterans
Dismissals/Non Certification	3	5.3%	1.8%	1.8%	0%	0%
Resignations	25	45%	18%	7.1%	0%	0%
Retirement	15	26.7%	16%	0%	0%	0%
Death	4	7%	5.4%	1.8%	1.8%	0%
Lay Off	6	10.7%	5.4%	0%	0%	0%
Termination w/o Rights	3	5.4%	3.6%	0%	0%	0%

In FY 17, the College had 33 total separations with 15 being women, 2 minorities, and 1 person with disabilities. In FY 18 at the time this plan was created, the College had 23 total separations with 13 being women and 4 minorities. There were no separations in the category of Veteran in either fiscal year. The EEO category that saw the most separations for both fiscal years was Professionals Non-Faculty. In both fiscal years, Professionals-Faculty & Office/Clerical/Paraprofessionals had the second most separations in an EEO category. In both fiscal years, resignations and retirements made up the majority of separations. Based on exit interview surveys, the majority of these employees left due to other opportunities to pursue employment or education. Based on separation data from previous affirmative action plans and the fiscal years being analyzed for this plan, the college estimates a similar amount of separations for FY 19 & 20 with a majority being resignations and retirement. Budgetary decisions during this coming biennium may also affect the category of layoff as a separation. Finally, the following EEO categories have been identified by fiscal year with separation percentages that are higher than the College's current representation of either women, minorities, persons with disabilities, and veterans in those respective EEO categories. This may indicate higher underutilizations in the future or risk categories the college is not currently underutilized in, to experience future underutilization:

- Professionals-Faculty: In FY 17, the separation percentage for women was higher than the representation in this EEO category. In FY 18, the separation percentage of persons with disabilities was higher than the representation in this EEO category.
- Professionals Non-Faculty: In FY 18, the separation percentages of women and minorities were higher than the representation in this EEO category.
- Technicians: In FY 17, the separation percentage for women was higher than the representation in this EEO category. In FY 18, the separation percentages for women and minorities were higher than the representation in this EEO category.
- Office/Clerical Paraprofessional: In FY 17, the separation percentage for persons with disabilities was higher than the representation in this EEO category. In FY 18, the separation percentages for women and persons with disabilities were higher than the representation in this EEO category.
- Service Maintenance: In FY 17, the separation percentage for minorities was higher than the representation in this EEO category. In FY 18, the separation percentage for minorities was higher than the representation in this EEO category.

## **Methods of Retention of Protected Groups**

Each College supervisor plays a key role in supporting the retention of employees. The College will initiate the following activities, among others, to support employee retention. These efforts will enhance retention for all employees and allow us to evaluate specific efforts related to protected group employees.

- Annual performance reviews for administrators, supervisors and staff. Evaluations are to be completed in a manner consistent with any requirements found in the collective bargaining agreements. This is consistent with the requirements in Minnesota Statutes, Chapter 43A.

- The College Diversity Committee will develop and recommend to President’s Cabinet a diversity component (responsibility) to be added to all staff position descriptions.
- Conduct exit interview surveys of employees leaving the college. Conduct face-to-face interviews when requested by the employee. Analyze data for trends or common reasons for leaving, share this information with leadership, and develop opportunities to make positive changes.
- When possible, provide flexible working environments by offering options such as telecommuting, part-time, and alternative work schedules.
- Ensure all employees are aware of the Employee Assistance Program (EAP). The program offers employees professional assistance in assessing personal problems and provides supervisors an opportunity to discuss difficult employee situations, get support for intervention, and acquire tools to resolve workplace conflicts.
- Conduct annual recognition programs and employee appreciation events.
- Create an organized professional development opportunity for non-instructional employees including but not limited to: funds, training and professional development opportunities.
- Continue to enhance new employee orientation for all employees. Process stakeholders will continue to meet and review current on-boarding procedures such as checklists and online training programs. An automated off-boarding process will be reviewed.
- Analyze separation and layoff patterns of all employees to determine impact on protected members. Analysis must contain data for the previous two-year period. (M.S. 43A. 19 subd. 1 (3); A.P. 19.3A)
- Partner with the College Chief Diversity Officer to ensure intentional recruitment and retention to leverage data and carefully examine the needs of the organization well before vacancies occur.
- Utilize the Connect 700 Program to not only attract but retain talent for persons with disabilities.

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

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The college 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.

This section will identify ways this college 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 the college has committed to pursuing and implementing from 2018-2020. All protected class categories will include, but will not be limited to, the following recruitment strategies:

1. Produce EEO reports for each vacancy that indicate protected class candidates.
2. Include a protected group member(s) on each search committee, when possible.
3. Inform the college president, administration, staff, faculty, and interview teams of the goals and the justification for the goals to create awareness and understanding for Affirmative Action.
4. Educate search committees through training specific on selection bias and issues of diversity in recruiting. Search committees will be required to complete the Minnesota State system online "search advisory training" modules.
5. The AAO/Human Resources department will collaborate with search committees to review recruitment and hiring guidelines, hiring goals, and answer questions.
6. Provide feedback to the President, President's Cabinet and others having responsibility for searches regarding the status of hiring goal accomplishment.
7. Examine and evaluate recruitment and hiring guidelines in order to support the College's commitment to affirmative action and to aid search committees and administrators in identifying and selecting qualified candidates for positions, including women, minorities, persons with disabilities, and veterans.
8. Explore intentional recruitment in the following EEO job categories where there is found to be underutilization: Office/Clerical/Paraprofessionals, Officials and Administrators, Professionals-Faculty, Professionals-Non-Faculty, Service Maintenance and Technicians. Reach protected groups to diversify applicant pools, including but not limited to the following: Black Issues in Higher Education, Hispanic Outlook, Tribal College Journal of American Indians in Higher Education, Higher Education Recruitment Consortium, Women's Press, HigherEdJobs.com, Minnesota Management and Budget Diversity email list, MMB Jobs eBlast, The Registry for recruitment of diverse faculty, and in the Chronicle of Higher Education. Recruit utilizing appropriate websites. Place an emphasis on publications that addresses people with disabilities and veterans.
9. Send job openings to regional university multicultural/diversity offices, including but not limited to Women's and African American Colleges.
10. Participate in job fairs at colleges, universities, and high schools.
11. Support Minnesota State Strategic Diversity Plan, Goal 2.2, for the purposes of job postings.
12. AAO/Human Resources will research trends and provide feedback to appropriate administrators, supervisors, and search committees for successful recruitment of disparate groups.
13. The AAO/Director of Human Resources will review applicant pools and work with Hiring Managers to promote a diverse pool of applicants.

## Program Objectives for (Women)

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

List job category name	Percent women employees in category	Percent women hired in category	Percent women separated in category
<i>Service Maintenance</i>	35%	12.5%	20%

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

### Recruitment action for women in this category:

The AAO/Human Resources department will advocate with search committees to review recruitment and hiring guidelines, hiring goals, and answer questions and provide feedback to the President, President's Cabinet and others having responsibility for searches regarding the status of hiring goal accomplishment. Examine and evaluate recruitment and hiring guidelines in order to support the College's commitment to affirmative action and to aid search committees and administrators in identifying and selecting qualified candidates for positions, including women. Explore intentional recruitment where there is found to be underutilization. Advertise in publications and websites such as: Women's Press, HigherEdJobs.com, Minnesota Management and Budget Diversity email list, MMB Jobs eBlast. Send job openings to regional university multicultural/diversity offices, including Women's Colleges.

### Recruitment barrier identified for women in this category:

The college will enhance its efforts in recruitment of women in the service maintenance category by participating in job fairs at colleges, universities, and high schools. The applicant pool for this category typically is majority men. The college will continue to ensure that the competitive salary and benefits package offered through college/state employment is properly communicated through advertising and to candidates interviewing.

### Future Evaluation:

The college will monitor success through the evaluation of quarterly monitoring the hiring process reports and adjust its efforts if/when needed. The Affirmative Action Officer provides quarterly hiring reports to the Director of Human Resources. This information is shared with the College President. In addition, the AAO/Human Resources department will research trends and provide feedback to appropriate administrators, supervisors, and search committees for successful recruitment of women. The AAO/Director of Human Resources will review applicant pools and work with Hiring Managers to promote a diverse pool of applicants.

## Past Evaluation:

Increasing the number of women in the service/maintenance category remains a standing item from the previous affirmative action plan. The college remained the same from the previous plan to this plan in its hiring results in the category. The affirmative action officer will work to ensure that future applicant pools contain sufficient qualified women.

## Person's Responsible:

- Affirmative Action Officer
- Director of Human Resources
- Administrators/Supervisors and search committees

## Target Dates:

Hiring goals set in this affirmative action plan will have a target date for completion of June 30, 2020. This represents the time length of this affirmative action plan. As mentioned in the future evaluation section, quarterly monitoring the hiring process reports will be reviewed and communicated with the Director of Human Resources and the College President.

## Program Objectives for (Minorities)

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

List job category name	Percent minorities employees in category	Percent minorities hired in category	Percent minorities separated in category
Officials and Administrators	0%	0%	0%
Professionals-Faculty	3.47%	8%	0%
Professionals-Non-Faculty	5.97%	5.3%	14%
Office/Clerical/Paraprofessionals	4.4%	0%	0%

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

### **Recruitment action for minorities in this category:**

The AAO/Human Resources department will collaborate with search committees to review recruitment and hiring guidelines, hiring goals, and answer questions and provide feedback to the President, President's Cabinet and others having responsibility for searches regarding the status of hiring goal accomplishment. Examine and evaluate recruitment and hiring guidelines in order to support the College's commitment to affirmative action and to aid search committees and administrators in identifying and selecting qualified candidates for positions, including minorities. Explore intentional recruitment where there is found to be underutilization. The college will send job openings to regional university multicultural/diversity offices. In addition, we will evaluate publications to use in the recruitment of minorities, including, but not limited to the following: Chronicle of Higher Education, Black Issues in Higher Education, Hispanic Outlook and the Tribal College Journal of American Indians in Higher Education, Higher Education Recruitment Consortium, and recruit on appropriate websites and listserves, including but not limited to HigherEdJobs.com, MMB Diversity e-mail list, MMB Jobs e-Blast, and The Registry.

### **Recruitment barrier identified for minorities in this category:**

The position of Chief Diversity Officer has been vacant for a little over a year. The Human Resources Office and Affirmative Action Officer partner with the Office of Diversity, Equity and Inclusion to post vacancies in communities that that office partners with. The college anticipates that once this position is filled, that the partnership in reaching these communities will help attract a more diverse pool of applicants.

### **Future Evaluation:**

The college's goal will be to increase the category of minority employees from 4% to 6% as a percent of all employees. The college will monitor success through the evaluation of quarterly monitoring the hiring process reports and adjust its efforts if/when needed. In addition, reports will be run to track this specific goal throughout the life of this plan. The Affirmative Action Officer provides quarterly hiring reports to the Director of Human Resources. This information is shared with the College President. In addition, the AAO/Human Resources department will research trends and provide feedback to appropriate administrators, supervisors, and search committees for successful recruitment of minorities. The AAO/Director of Human Resources will review applicant pools and work with Hiring Managers to promote a diverse pool of applicants.

## Past Evaluation:

Increasing the percentage of minorities as a percent of all college employees is a goal new to this plan. The college continues its efforts in exploring recruitment avenues that can contribute to more diverse pools of applicants.

## Person's Responsible:

- Affirmative Action Officer
- Director of Human Resources
- Administrators/Supervisors and search committees

## Target Dates:

Hiring goals set in this affirmative action plan will have a target date for completion of June 30, 2020. This represents the time length of this affirmative action plan. As mentioned in the future evaluation section, quarterly monitoring the hiring process reports will be reviewed and communicated with the Director of Human Resources and the College President.

## Program Objectives for (Persons with Disabilities)

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

List job category name	Percent PWD employees in category	Percent PWD hired in category	Percent PWD separated in category
Professionals-Faculty	1.39%	8%	6%
Office/Clerical Paraprofessionals	1.43%	0%	29%

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

## Recruitment action for persons with disabilities in this category:

The AAO/Human Resources department will advocate with search committees to review recruitment and hiring guidelines, hiring goals, and answer questions and provide feedback to the President, President's Cabinet and others having responsibility for searches regarding the status of hiring goal accomplishment. Examine and evaluate recruitment and hiring guidelines in order to support the College's commitment to affirmative action and to aid search committees and administrators in identifying and selecting qualified candidates for positions, including person's with disabilities. Explore intentional recruitment where there is found to be underutilization. Advertise in publications and websites such as: HigherEdJobs.com, Minnesota

Management and Budget Diversity email list, MMB Jobs eBlast. Send job openings to regional university multicultural/diversity offices.

The College will continue its efforts, within budget parameters, to expand the advertisement of future vacancies within publications that reach a greater population base and thereby increase opportunities to attract individuals with disabilities. We will participate in the Connect 700 Program for classified vacancies where appropriate to increase diversity in the applicant pool and the college's percentage of disabled employees. The College Director of Human Resources and EO/AAO will continue efforts to evaluate hiring practices to ensure that discrimination against persons with disabilities does not occur. The College will continue to communicate a willingness to provide accommodations for persons with disabilities as part of the advertisement of employment vacancies.

### **Recruitment barrier identified for persons with disabilities in this category:**

Applicant pools at the college on average did not contain many applicants who indicated a disability. A more targeted approach to recruitment of persons with disabilities can be engaged in due to the Connect 700 program. This program allows an expedited search process between the hiring manager and the applicant through the applicant's demonstration of capability of performing the job duties during a probationary time period. It gives the applicant/new employee a chance to show their ability to perform the job responsibilities where that chance might not have existed in the past due to their disability.

### **Future Evaluation:**

The College will analyze the effectiveness of its advertising for position vacancies to determine what source(s) are most effective in reaching job applicants with disabilities. All applicants are asked, on a voluntary basis, to complete a confidential Supplemental Personal Data Form that is not part of the application process. If completed, the Supplemental Personal Data form will indicate, along with other information, whether the applicant has a disability. With the Supplemental Personal Data information the Human Resources Office and the EO/AAO can analyze advertising effectiveness to the disabled. This information can then be used to concentrate efforts in advertising at those locations. The college will monitor success through the evaluation of quarterly monitoring the hiring process reports and adjust its efforts if/when needed. The Affirmative Action Officer provides quarterly hiring reports to the Director of Human Resources. This information is shared with the College President. In addition, the AAO/Human Resources department will research trends and provide feedback to appropriate administrators, supervisors, and search committees for successful recruitment of persons with disabilities. The AAO/Director of Human Resources will review applicant pools and work with Hiring Managers to promote a diverse pool of applicants.

## Past Evaluation:

Improvements were made in the following EEO categories during the 2016-2018 Affirmative Action Plan: Professionals-Faculty, Professionals Non-Faculty, and Technicians. Increasing the number of persons with disabilities within the category of Professionals-Faculty remains a standing item from the previous affirmative action plan. Separations in the previous plan years had a direct effect on underutilization in the area of Office/Clerical/Paraprofessional. Future vacancies within this category will focus on diversifying the applicant pools with persons with disabilities.

## Person's Responsible:

- Affirmative Action Officer
- Director of Human Resources
- Administrators/Supervisors & search committees

## Target Dates:

Hiring goals set in this affirmative action plan will have a target date for completion of June 30, 2020. This represents the time length of this affirmative action plan. As mentioned in the future evaluation section, quarterly monitoring the hiring process reports will be reviewed and communicated with the Director of Human Resources and the College President.

## Program Objectives for (Veterans)

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

List job category name	Percent veterans employees in category	Percent veterans hired in category	Percent veterans separated in category
Officials and Administrators	0%	0%	0%
Professionals-Faculty	.69%	0%	0%
Professionals-Non-Faculty	1.49%	5.3%	0%
Technicians	0%	0%	0%
Office/Clerical/Paraprofessionals	0%	0%	0%
Skilled Craft	0%	0%	0%
Service Maintenance	0%	29%	0%

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

### **Recruitment action for veterans in this category:**

The AAO/Human Resources department will advocate with search committees to review recruitment and hiring guidelines, hiring goals, and answer questions and provide feedback to the President, President's Cabinet and others having responsibility for searches regarding the status of hiring goal accomplishment. Examine and evaluate recruitment and hiring guidelines in order to support the College's commitment to affirmative action and to aid search committees and administrators in identifying and selecting qualified candidates for positions, including veterans. Explore intentional recruitment where there is found to be underutilization. The AAO and Human Resources Office will collaborate with the campus Veteran's Offices on recruitment ideas. Collaboration with these campus offices should provide a more targeted approach to advertising, therefore reaching avenues where veterans are looking for jobs.

### **Recruitment barrier identified for veterans in this category:**

Applicant pools at the college on average did not contain many applicants who identified as a veteran. A more targeted approach to recruitment of veterans will be explored with campus Veteran's Services Offices.

### **Future Evaluation:**

The College will analyze the effectiveness of its advertising for position vacancies to determine what source(s) are most effective in reaching job applicants who are veterans. This information can then be used to concentrate efforts in advertising. The college will monitor success through the evaluation of quarterly monitoring the hiring process reports and adjust its efforts if/when needed. The Affirmative Action Officer provides quarterly hiring reports to the Director of Human Resources. This information is shared with the College President. In addition, the AAO/Human Resources department will research trends and provide feedback to appropriate administrators, supervisors, and search committees for successful recruitment of veterans. The AAO/Director of Human Resources will review applicant pools and work with Hiring Managers to promote a diverse pool of applicants.

### **Past Evaluation:**

The college remained the same in the following EEO categories during the 2016-2018 Affirmative Action Plan: Skilled Craft, Service/Maintenance, and Technicians. We did not improve in all other EEO categories. Increasing the number of veterans in all EEO categories remains a standing item from the previous affirmative action plan. Future vacancies within this category will focus on diversifying the applicant pools with veterans.

### **Person's Responsible:**

- Affirmative Action Officer

- Director of Human Resources
- Administrators/Supervisors and search committees

### **Target Dates:**

Hiring goals set in this affirmative action plan will have a target date for completion of June 30, 2020. This represents the time length of this affirmative action plan. As mentioned in the future evaluation section, quarterly monitoring the hiring process reports will be reviewed and communicated with the Director of Human Resources and the College President.

### **Other types of efforts to enhance program objectives are listed as follows:**

1. Performance reviews will be completed in a timely manner and consistent with requirements found in the applicable collective bargaining agreements.
2. Distribute a notice to all employees annually regarding the college's commitment to providing a campus environment that is free of discrimination, harassment, and violence, focusing on but not limited to the following avenues: All-college-employee professional development days, college-wide leadership meetings, faculty duty days, college-wide e-mail distribution, and new employee orientation materials. The notice will include information regarding the Nondiscrimination policy and complaint procedure, Minnesota State Board Policy 1B.1 and Procedure 1B.1.1.
3. Notify all employees annually of the procedure for requesting and providing reasonable accommodations.
4. Provide information about the Employee Assistance Program, including available services for employees and work-related concerns.
5. Add a diversity competency or statement to staff job descriptions.
6. Support Minnesota State Systemwide Strategic Diversity Plan, Goal 2.2.
7. In partnership with the college wide Diversity Committee, plan and implement specific activities designed to increase awareness regarding specific protected classes. Provide a variety of annual diversity events, holidays, and training opportunities.
8. Revitalize and support the Diversity committee and employee resource groups whose focus is to promote the benefits of diversity and enhance the understanding of diverse cultures.
9. At least one time per year, an administrative duty day will include programming regarding diversity education.
10. Explore grant opportunities to provide diversity education to employees.
11. Explore and make a recommendation to the President in implementing an Intercultural Development Inventory (IDI) to College employees. The goal is to assess a broad understanding of sensitive cultural and diversity topics.
12. Explore informal diversity education opportunities with the College community (i.e.: brown bag lunches, book clubs, campus based diversity task forces, etc.).

13. Promote the affirmative action plan and other diversity-related strategic initiatives to gain buy-in and support from all levels within the college.
14. Strengthen collaborative efforts with Minnesota Campus Compact. Work on a Civic Action Plan in conjunction with Campus Compact.
15. Continuation of the Voices.Vision.Values. programming where opportunities for professional development specific to issues of diversity are offered.

## **Relationship Building and Outreach**

M State has a strong history of working collaboratively with high schools, other educational institutions, and business and industry partners within our region; we work strategically to create a synergy among our collaborative partnerships. Our partners include:

- K-12 partners through concurrent enrollment.
- Lakes Country Services Cooperative in our college and career readiness programming and Perkins career and technical education grant initiatives in Region 4.
- National Joint Powers Alliance in our college and career readiness programming in Region 5.
- Agencies supporting Veterans and their families.
- University partners and two year college partners for articulations, regional planning and resource sharing.
- Employers serving on advisory committees.
- Non-profit agencies.
- Clinical and internship sites.
- Economic development boards and councils.
- State agencies.
- Industry and individual donors.
- Foundation boards.
- Local service clubs and organizations.
- Vendors.

### **Our relationship and outreach accomplishments:**

- Strengthened ties with the Campus Compact organization.  
Launched a \$50,000 Women's Foundation of Minnesota grant, which focuses on recruiting and retaining women in science, technology, engineering and math.
- Expanded anti-poverty efforts through collaborative work with the Ottertail Country Family Services Collaborative.
- Developed a partnership with Ruby's Pantry to deliver corporate food surplus products to students and community members in the communities of Detroit Lakes and Moorhead.

- Led the development of a new Collaborating Online program, which expands concurrent enrollment course options to small, rural high school students and partnered with 38 high schools to deliver courses to 1,700 students.
- As a member of the Tri-College University program, partnered with Minnesota State University Moorhead, Concordia College, North Dakota State University, and North Dakota State College of Science to bring students more access to courses and regional services.
- Developed new programs, including Certified Medical Assistant and expanded capacity for practical nursing on the Moorhead campus.
- Workforce Development Solutions offered customized and flexible training program options to meet the needs of business and industry, serving over 500 employers in the region.
- Worked collaboratively with regional high school and Adult Basic Education providers to outreach to New American populations to ensure a welcoming and supportive educational environment.
- Expanded the Herdina Trades Academy to incorporate additional trade areas and Scrubs Camp to expose additional students to careers in the health sciences.

## Methods of Auditing, Evaluating, and Reporting Program Success

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### Pre-Employment Review Procedure/Monitoring the Hiring Process

M State will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or persons with disabilities. The college will use the monitoring the hiring process form for every hire to track the number of women, minorities, persons with disabilities and veterans in each stage of the selection process. Administrators 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. Administrators and supervisors will be asked to document their hiring decisions.

Any time the college cannot justify a hire, the college takes a missed opportunity. College leadership will be asked to authorize the missed opportunity. The college 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 the college commitment to equal opportunity and the affirmative action program and its implementation.

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

The College will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the EO/AAO to evaluate their effect on the College's affirmative action program. If it is determined that there is an adverse impact on protected groups, the college will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The college will determine if other alternatives are available to minimize the impact on protected groups.

### **Other Methods of Program Evaluation**

1. Minnesota Management and Budget will review and approve the Affirmative Action Plan for the College.
2. The EO/AAO at the College will monitor the employment procedures to evaluate progress and ensure that the nondiscriminatory policy is carried out.
3. Affirmative Action goals and objectives are reviewed and recorded at Diversity committee meetings and recorded in the meeting minutes.
4. Consultation with Director of Human Resources and/or the EO/AAO may be necessary prior to the hiring phase if a disparity of protected classes exists in the hiring unit. In addition, consultation with the Director of Human Resources and/or the EO/AAO may be necessary prior to layoff decisions to determine their impact on the College's Affirmative Action Plan goals and timetables.
5. Submit the following compliance reports:
  - Quarterly Monitoring the Hiring Process Report
  - Biannual Affirmative Action Plan
  - Annual Americans with Disabilities Act Report
  - Annual Internal Complaint Report

## Appendix

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### Minnesota State's 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, familial status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, familial 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, familial status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, membership or activity in a local human rights commission is a protected class in employment.
- This policy prohibits use of protected class status as a factor in decisions affecting 96 education and employment where prohibited by federal or state law.

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

- Made a complaint under this policy;
- Assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- Associated with a person or group of persons 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 colleges/universities, under any federal or state nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

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

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

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

- Are enrolled in one or more courses, either credit or non-credit, through a college or university;
- Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
- Are not officially enrolled for a particular term but who have a continuing relationship with the college or university;

- Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
- Are living in a college or university residence hall although not enrolled in, or employed by, the institution.

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

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

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

## **Minnesota State’s Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure**

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

**Subpart A. Purpose.** This procedure is designed to further implement Minnesota State Colleges and Universities policies relating to nondiscrimination by providing a process through which individuals alleging violation of Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education may pursue a complaint. This includes allegations of retaliation, or discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, gender identity, gender expression, marital status, 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.

## **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 college/university is required to appoint an ADA coordinator or designee, depending on college/university size, to direct and coordinate college/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 the college. A state college is not required to provide accommodations that would impose an undue hardship on the operation of the college.

## 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 college 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 college 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.

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

- Immediate supervisor in the employee's chain of command;
- College Affirmative Action Officer/Designee;
- College ADA Coordinator;
- College Human Resources Office;
- Any college 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 the college/university to provide or change something because of a medical condition.

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

## Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the college 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.

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

When a supervisor 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 should consult with the college 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), the college 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 the college 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 the college. An individual may request that the college ADA Coordinator, a union representative, or support person be present.

The college ADA Coordinator shall be consulted when:

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

## **College responsibilities for processing the request**

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

### **President**

The President of the college or college head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

### **ADA Coordinator**

The college/university ADA Coordinator is the college's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' authority. The college ADA Coordinator will work with the supervisor, and where necessary, with college Human Resources, to implement the approved reasonable accommodation.

### **Supervisors and Managers**

Colleges 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 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 can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the college ADA Coordinator].

## **Analysis for processing requests**

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

An employee's accommodation preference is always seriously considered, but the college 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, the college will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the college ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The college 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, the college ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The college 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 the college/university 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 the college/university 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 college/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 college 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 college ADA Coordinator.

The college ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or college 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 college/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 the college 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 college equal opportunity officials to maintain records and evaluate and report on the college 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, the college 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 the college ADA Coordinator.

## **Funding for reasonable accommodations**

The college must specify how the college 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.

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

## Denial of requests for reasonable accommodation

The college ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The college 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 the college 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 the college/university making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the college ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the college considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the college/university and the impact the accommodation will have on the operations of the college.

Colleges may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the college 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, the college 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 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 a college 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 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 must retain reasonable accommodation documentation according to the college 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 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](mailto:ADA.MMB@state.mn.us)

# Request for Reasonable Accommodation Form

<p>State of Minnesota – (Agency) _____ Date: _____</p> <p><b>Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form</b></p> <p>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.</p> <p>Employee/Applicant Name: _____</p> <p>Job Title: _____</p> <p>Work Location: _____ Phone Number: _____</p> <p><b>Data Privacy Statement:</b> 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.</p> <p><b>Questions to clarify accommodation requested.</b></p> <p>What specific accommodation are you requesting? _____</p> <p>If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, please explain.</p> <p>_____</p>	<p><b>Questions to document the reason for the accommodation request (please attach additional pages if necessary).</b></p> <p>What, if any, job function are you having difficulty performing?</p> <p>_____</p> <p>What, if any, employment benefits are you having difficulty accessing?</p> <p>_____</p> <p>What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?</p> <p>_____</p> <p>If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?</p> <p>_____</p> <p><b>Information Pertaining to Medical Documentation:</b> 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.</p> <div style="border: 1px solid black; padding: 5px;"><p>This form 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.</p></div>
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## [Employee/Applicant Request for ADA Reasonable Accommodation Form](#)

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

In order to provide special accommodation assistance for individuals with disabilities during “Weather Emergencies and Evacuations,” the following persons on each of the respective campuses shall be contacted:

Detroit Lakes:	Steve Erickson, Academic Dean: 218-846-3721 or Steve.Erickson@minnesota.edu Mark Nelson, Academic Advisor/Accessibility Resources Director: 218-846-3756 or Mark.Nelson@minnesota.edu
Fergus Falls:	Matt Borcharding, Academic Dean: 218-736-1506 or Matt.Borcharding@minnesota.edu Jon Kragness, Director, Accessibility Resources Coordinator: 218-736-1595 or Jon.Kragness@minnesota.edu
Moorhead:	Shawn Anderson, Dean of Student Success: 218-299-6535 or Shawn.Anderson@minnesota.edu
Wadena:	Paula Rohr, Spartan Center Tutor & Accessibility Resources Coordinator: 218-631-7862 or Paula.Rohr@minnesota.edu

At the beginning of each academic year every instructor shall advise students with hearing, visual or mobility disabilities, within their respective classrooms, lab or shop areas, of evacuation procedures for their campus.

If an emergency situation arises during classroom instruction, students who may be unable to hear or see an emergency alarm/announcement because of a hearing or visual disability, will be informed of the emergency by their classroom instructor. If the emergency arises during a work-study job assignment, their immediate supervisor will advise the student. If evacuation of the building is ordered, the instructor or his/her designee, shall accompany the student out of the building via established evacuation routes posted for each area of the building. If more than one student with hearing, visual or mobility disability occupies the classroom, the instructor shall designate another non-disabled student to accompany the disabled student. Moving individuals in wheelchairs using the stairway is not recommended. Individuals should not be left alone when seeking assistance during evacuation. The persons shall be moved as a group from the building or to a designated safe haven where emergency personnel will remove them.

Each Dean or designee shall have the responsibility of informing all employees of Emergency and Evacuation procedures for their campus. This information may be disseminated during mandatory in-service meetings, individual campus staff meetings, or for new employees at orientation meetings.

The campus Dean and other campus supervisors are in the best position to know the identity and work station of each employee who has a hearing, visual or mobility disability. If an emergency situation arises on campus, the Dean or their pre-appointed designee, shall have the responsibility to advise visually impaired or hearing deficient personnel of the emergency. If evacuation of the building becomes necessary, employees with a visual or mobility disability shall be accompanied by at least one non-disabled employee from the building via posted emergency exits. The campus Dean or supervisor shall appoint non-disabled employees with workstations in the vicinity to accompany the disabled employee from the building.

During emergencies individuals should avoid windows, doorways or other areas where glass may shatter. Auditoriums and gymnasiums with spanned roofs should also be avoided. It shall be the decision of the campus Dean or designee, along with the aid and assistance of responding emergency personnel, to determine when the building may be re-entered or campus operations resumed following evacuation.

### **Evacuation Options:**

Persons 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:** The college'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:** The college'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.

## Other System Office, College, or University Information, Policies, or Documents

### Detroit Lakes – Becker County

#### WEATHER CONDITIONS INFORMATION

NAME	LOCATION	PHONE
State Highway Patrol Offices	1000 US Hwy 10, Detroit Lakes	218-847-1584
MN Dept. of Transportation	Statewide Road Conditions	800-542-0220
County Law Enforcement	925 Lake Avenue, Detroit Lakes	218-847-2661
County Highway Maintenance	200 East State St, Detroit Lakes	218-847-4463
City Law Enforcement	106 Holmes Street, Detroit Lakes	218-847-4222
City Street Maintenance	508 Front Street East, Detroit Lakes	218-847-4637

#### STORM WARNING RADIO INFORMATION

CITY	RADIO	PHONE
Detroit Lakes	KRCQ 102.3 FM	218-847-2001
Detroit Lakes	KDLM 1340 AM KBOT 104.1 FM	218-847-5624 1-800-545-1041
Bemidji	KKBJ 103.7 FM	218-444-1037
Fergus Falls	KBRF 1250 FM Z103 103.3 FM KJK 1020 AM KJK 96.5 FM	218-736-7596 218-346-7596
Perham	KPRW 99.5 FM	Stations in both Fergus Falls & Perham
Park Rapids	KPRM 870 AM KDKK 97.5 FM KXKK 92.5 FM	218-732-3306
Wadena	KWAD 920 AM KKWS 105.9 FM	218-631-1806 or 800-733-5923
Fargo/MHD (Triad Broadcasting)	KLTA 105.1 FM KPFX 107.9 FM KQWB 98.7 FM KVOX 99.9 FM KQWB 1660 AM KBMW 1450 AM	701-499-6969 If before 8 am follow automated voice mail system
Mahnomen	KRJM 101.5 FM	218-935-5355

CITY	RADIO	PHONE
Fargo/MHD	WDAY 93.7 FM KFGO 790 AM KBVB BOB 95 FM KRWK ROCK 102 KMJO POPSTER FM KVOX The Fan 740	701-237-5346 www.kfgo.com

**STORM WARNING TV INFORMATION**

CITY	TELEVISION	PHONE/WEBSITE
Fargo/MHD	WDAY TV CHANNEL 6  WDAZ TV CHANNEL 8	701-237-6500 (switchboard) 701-241-5306 (newsroom) www.wday.com
Fargo/MHD	KVLY TV CHANNEL 11  KXJB TV CHANNEL 4	701-237-5211 ext 200 800-450-5844 ext 200  701-282-0444 www.kx4.com
Fargo/MHD (Red River Broadcast)	FOX-TV KVRR CHANNEL 15	701-277-1515 <a href="http://www.kvrr.com">www.kvrr.com</a> (switchboard not available until 8am)

**Fergus Falls – Ottertail County**

**WEATHER CONDITIONS INFORMATION**

NAME	LOCATION	PHONE
State Highway Patrol Offices	Detroit Lakes	(218) 847-1584
MN Dept. of Transportation	Statewide Road Conditions	(800) 542-0220
County Law Enforcement	417 S Court St, Fergus Falls	(218) 998-8555
County Highway Maint.	419 S Court St, Fergus Falls	(218) 998-8470
City Law Enforcement	Court and Junius, Fergus Falls	(218) 736-5438
City Street Maintenance	112 W Washington Ave, Fergus Falls	(218) 739-0135

### STORM WARNING RADIO INFORMATION

CITY	RADIO	PHONE
Fergus Falls	KBRF 1250 AM KZCR Z-103.3 FM KJK 1020 AM/96.5 FM	(218) 736-7596 www.kxra.com
Perham	KPRW 99.5 FM	(218) 346-7596
Alexandria	KXRA 1490 AM/92.3 FM	(320) 763-3131
Detriot Lakes	KDLM 1340 AM KBOT 104.1 FM	(800) 545-1041 (218) 847-5624 or (218) 847-5421
Fargo	KFGO 790 AM	(701) 237-5346 www.kfgo.com
Morris	KMRS 1230 AM KKOK 95.7 FM	(320) 589-3131
Wadena	K106 Superstation KWAD AM/ KKWS FM	(218) 631-1803 or (800) 733-5923
Wahpeton	KBMW 1450 AM KGWB 107 FM	(701) 642-8747 www.kbmwam.com

### STORM WARNING TV INFORMATION

CITY	TELEVISION	PHONE/WEBSITE
Alexandria	KSAX/KSTP Channel 5	(888) 707-7669 www.schoolalert.kstp.com
Fargo	KVLY Channel 11 KXJB Channel 4	(701) 237-5211 ext. 200 1-800-450-5844 ext. 200
Fargo	WDAY Channel 6	(701) 237-6500 (701) 241-5302 www.wday.com
Minneapolis	WCCO Channel 2 Radio: 830 AM	(612) 330-2655 www.wcco.com/cancellations

### Moorhead Campus – Clay County

### WEATHER CONDITIONS INFORMATION

NAME	LOCATION	PHONE
State Highway Patrol Offices	MN & ND DOT websites	-
MN Dept. of Transportation	Statewide Road Conditions	(800) 542-0220
MSUM Security Office	MSUM Campus	218-477-2449

### STORM WARNING INFORMATION

LOCATION	MEDIA OUTLET	CONTACT
Fargo/Moorhead	Radio FM Media	701-499-6969
Fargo/Moorhead	KXJB-TV & KVLV-TV (If there is not a prompt/code listed for the particular announcement, press "0" after you've dialed the number above.)	701-237-5211 or 701-282-0444
Fargo/Moorhead	WDAY-TV	701-241-5306
M State Moorhead Subscribers	STAR Alert	Phone: text 69301 Internet: <a href="https://www.wensnetwork.com/">https://www.wensnetwork.com/</a>
M State Moorhead	Campus Weather Phone	218-299-6939

### Wadena – Wadena County

### WEATHER CONDITIONS INFORMATION

NAME	LOCATION	PHONE
U.S. Weather Service Grand Forks	<a href="http://www.nws.noaa.gov/">http://www.nws.noaa.gov/</a>	701-772-0720
Traveling Road Report	<a href="http://www.511mn.org">www.511mn.org</a>	N/A
State Highway Patrol Offices	1000 US Hwy 10, Detroit Lakes	218-847-1550
MN Dept. of Transportation	Statewide Road Conditions	800-657-3971
County Law Enforcement	Sheriff, Wadena County Court House	218-631-7600
County Highway Maintenance	221 Harry & Rich Drive, Wadena	218-631-7636
City Law Enforcement	121 Colfax Avenue, Wadena	218-631-7701
City Public Works	222 2 <sup>nd</sup> Street SE, Wadena	218-631-7705
Tyler Church (HS Principal)	WDC School District	218-632-2172
Gina (WDC food service)		218-640-1652 (cell)

### STORM WARNING RADIO INFORMATION

CITY	RADIO	PHONE
Wadena	KSKK 94.7 FMK KVKK 1070 AM	218-631-3441
Fergus Falls	FM-Z103.3, KPRW 99.5 KBRF/KZCR KJKK 96.5	218-736-7596
DL	KBOT/Lakes Country 104.1 KDLM	218-847-5624 218-847-5421
Park Rapids	KDKK/KPRM 97.5 FM	218-732-3306
Brainerd	KLIZ 107.5	218-828-1244 8-5 pm 218-829-1075 after 5pm
Wadena	KWAD 920 AM KKWS 105.9 FM	218-631-1803 or 800-733-5923
Moorhead	KCCM 91.1 (Dan-MN Public Radio)	218-287-0666
St. Cloud	KCLD	320-203-4875
Little Falls	WYRZ, KLTF & KFML	320-632-5414 or 320-632-2992 or 320-632-3844 weather line

### STORM WARNING TV INFORMATION

CITY	TELEVISION	PHONE/WEBSITE
Alexandria/Twin Cities	KSAX/KRWF TV KSTP TV	<a href="http://www.schoolalert.kstp.com">www.schoolalert.kstp.com</a>
Fargo/MHD	KVLY TV CHANNEL 11  KXJB TV CHANNEL 4	701-237-5211 ext 200 800-450-5844 ext 200 701-282-0444 <a href="http://www.kx4.com">www.kx4.com</a> Follow instructions on Tab KVLY KXJB
Twin Cities	WCCO TV	612-330-2655 Follow instructions under Tab WCCO or log onto <a href="http://wcco.com/schoolclosings">wcco.com/schoolclosings</a>

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

State law governing affirmative action programs requires the College to establish methods of auditing, evaluating and reporting program success. This includes a procedure for pre-employment review of all hiring decisions for units where underutilization currently exists. When such a vacancy occurs, the procedure below will be followed before an offer of employment is made:

Purpose of Process: To notify employees/interested parties of the vacant positions, screen candidates for final recommendation in a consistent manner, and to provide a guide for interview teams.

- A. Human Resources consults with supervisor of position to be filled to:
  1. Explain the hiring process.
  2. Review timelines.
  3. Review bargaining unit specifications relative to the position, for layoffs and internal/external postings.
  4. Gain administrative approval to fill the vacancy.
- B. Supervisor and search committee establishes criteria:
  1. Supervisor establishes team and serves as the committee chair or designates a chair.
  2. Supervisor and Human Resources establish a schedule for the search, including but not limited to: interview dates, times, and locations.
  3. Supervisor reviews the position description and revises as needed.
  4. Supervisor and search committee develop screening tool and interview questions.
    - Supervisor submits information on team members and interview information to EO/AAO for review
  5. The EO/AAO or the Chief Human Resources Officer meets with the search committee to review the position description, vacancy notice, appropriate affirmative action data (availability, whether or not underutilization exists), outlines the search process and confidentiality parameters as governed by the Minnesota Government Data Practices Act.
- C. Human Resources posts the vacancy notice in appropriate publications. Human Resources and the search committee develop a plan of recruitment sources and activities.
  - Closing date must follow the contractual guidelines, respective to the collective bargaining agreement in which the vacancy exists.
- D. Team screens all applicants to determine those qualified for the position.
  - Supervisor submits information to EO/AAO/Human Resources for review.
- E. Human Resources contacts applicants to set up interviews. In the search schedule noted above, it is intended that applicants will be notified at least one week prior to interview.
- F. Team conducts interviews:
  1. Each applicant for an instructional position will prepare and present an approximately 15-minute teaching demonstration.

2. Compensation and benefit information is furnished to applicant by the Human Resources Office.
- G. Supervisor or Human Resources conduct reference checks.
- H. EO/AAO conducts final overview of process. The Monitoring the Hiring Process form will be completed for each unlimited vacancy where an underutilization exists.
- I. Supervisor submits all paperwork involved with hiring to Human Resources for non-finalists.
- J. Supervisor makes hiring recommendation and forwards files of recommended applicants to appropriate Administrator/Decision Maker.
- K. Appropriate Administrator/Decision Maker selects applicant he/she wishes to make offer to.
- L. Appropriate Administrator/Decision Maker confers with Human Resources on salary/benefits and reviews relevant budget implications.

### **Detailed Information on the Pre-Hire Process**

1. An interview team should be comprised of minorities, other underrepresented groups, and various bargaining unit affiliates. The interview chair will work with Human Resources and/or the appropriate Administrator to determine team members (5-7 on the average). The EO/AAO will approve the composition of the team. Interview teams will be encouraged but are not mandatory, especially if the proposed vacancy is clearly part-time or of short duration.
2. The role of the interview team is to be a partner with the administration in filling the vacancy. Tasks will include a review of the position description, creation of the interview questions, the screening and selection of candidates, and the evaluation of candidates. The team should determine the distribution of tasks to be performed so the entire process becomes a shared responsibility.
3. The search committee chair, the supervisor for the position to be filled, in cooperation with the appropriate supervisor and the Chief Human Resources Officer and/or EO/AAO, develops a plan of recruitment sources and activities, drafts of advertisements, vacancy notice, interview questions, and evaluation forms, and then forwards this information to the EO/AAO for approval.
4. The EO/AAO examines the initial applicant pool for its composition of women, minorities, and candidates with disabilities. When this review is completed, the AAO/EEO approves or disapproves the pool of candidates.
5. When underutilization exists, it is imperative that protected class candidates are included at every stage of the application process. If a protected group member is not selected, no job offer can be made to any other candidate until approval is received from the EO/AAO. The supervisor has the responsibility for providing rationale for the selection/hire of the recommended candidate or a rationale for not selecting/hiring all other candidates within the pool interviewed.
6. The EO/AAO reviews the rationale and either approves or denies the justification. The EO/AAO notifies the supervisor or interview team of the decision. If the rationale is denied, the EO/AAO notifies the appropriate administrator of the determination and indicates what remedial action is

recommended. The appropriate administrator will make the determination; the President would serve as the final decision maker if agreement cannot be reached.

## Complaint of Harassment/Discrimination Form

Name of COMPLAINANT: \_\_\_\_\_  
(if more than one complainant, complete intake form for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Sex:  Male  Female

Status:  Student  Faculty  Staff  Administrator  External/Non-Campus

TYPE OF COMPLAINT:  DISCRIMINATION  HARASSMENT  RETALIATION

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

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

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

Name of RESPONDENT: \_\_\_\_\_  
(if more than one respondent, list complete information for each) Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Sex:  Male  Female

Status:  Student  Faculty  Staff  Administrator  External/Non-Campus

Name of RESPONDENT #2: \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Sex:  Male  Female

Status:  Student  Faculty  Staff  Administrator  External/Non-Campus

Name of RESPONDENT #3: \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Sex:  Male  Female

Status:  Student  Faculty  Staff  Administrator  External/Non-Campus

Name of RESPONDENT #4: \_\_\_\_\_  
(if more than one respondent, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

Sex:  Male  Female

Status:  Student  Faculty  Staff  Administrator  External/Non-Campus



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

Name of WITNESS #1: \_\_\_\_\_  
(if more than one witness, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

What information can this witness provide? \_\_\_\_\_  
\_\_\_\_\_

Name of WITNESS #2: \_\_\_\_\_  
(if more than one witness, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

What information can this witness provide? \_\_\_\_\_  
\_\_\_\_\_

Name of WITNESS #3: \_\_\_\_\_  
(if more than one witness, list complete information for each)

Address (local): \_\_\_\_\_

Address (residence): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_

What information can this witness provide? \_\_\_\_\_  
\_\_\_\_\_

