



Minnesota State

Central Lakes College

July 1, 2020 – June 30, 2022 Affirmative Action Plan

Central Lakes College

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Table of Content

Statement of Commitment.....	4
Executive Summary.....	5
Organizational Profile	67
Individuals Responsible for Directing/Implementing the Affirmative Action Plan	78
A. President.....	78
B. Affirmative Action Officer.....	89
C. Affirmative Action Officer Designee(s)	910
D. Human Resources Director or Designee(s)	1011
E. Americans with Disabilities Act Title I Coordinator	1213
F. Americans with Disabilities Act Title II Coordinator	1314
H. Senior Directors/Supervisors, Deans and Executive Team Leaders.....	1415
I. All Employees.....	1516
Communication of the Affirmative Action Plan.....	1617
Internal Methods of Communication	1617
External Methods of Communication.....	17
Job Category Analysis.....	1819
Determining Availability.....	1819
Utilization/Availability Analysis, Establishment of Goals, and Timetables	1920
Progress and Personnel Activity Reports	22
Identification of Areas for Further Monitoring.....	22
Workforce Snapshot	22
Personnel Activities.....	22
Progress Reports	22
Separations	23
Corrective Actions and Action-Oriented Programs	23
Corrective Actions.....	24
Other Action-Oriented Programs.....	26
Barriers.....	26
Recruitment and Processes	26
Retention	27
Training	2827
Methods of Auditing, Evaluating, and Reporting Program Success	29
Pre-Employment Review Procedure/Monitoring the Hiring Process.....	29
Pre-Review Procedure for Layoff Decisions.....	29
Other Methods of Program Evaluation	30
Policies, Procedures, and Notice.....	31
A. Minnesota State's Equal Opportunity and Non-discrimination in Employment and Education Policy, Board Policy 1B.1.....	31

B. Minnesota State’s Report/Complaint of Discrimination/Harassment Investigation and Resolution, System Procedure 1B.1.1.....	34
C. Minnesota State’s Sexual Violence Policy, 1B.3	4544
D. Minnesota State’s Sexual Violence Procedure, 1B.3.1	Error! Bookmark not defined.47
E. Minnesota State’s Access and Accommodation for Individuals with Disabilities Policy, 1B.4.	6855
F. Minnesota State’s Reasonable Accommodations in Employment System Procedure, 1B.0.1	7057
G. Notice Under the Americans with Disabilities Act.....	7461
H. Central Lakes College Grievance Procedure Under Title II of the Americans with Disabilities Act	7562
I. Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form.....	7663
J. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of AssistanceOther Relevant Information.....	64
Appendix	8067
Definitions of Terms Used in This Affirmative Action Plan.....	8168

Statement of Commitment

Minnesota Administrative Rules, part 3905.0400, subpart 1, item C

This statement reaffirms **Central Lakes College** 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 accommodations to employees and applicants with disabilities.
- This College will continue to actively promote a program of affirmative action, wherever females, racial/ethnic minorities, 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 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.

College President: _____



Date Signed: 11/4/2020

Executive Summary

Minnesota Administrative Rules, part 3905.0400, subpart 1, item A

This Affirmative Action Plan meets the requirements as set forth in statute, in Administrative Rule, and by Minnesota Management and Budget (MMB). The plan outlines:

- Affirmative action goals
- Timetables
- Reasonable and assertive hiring and retention methods for achieving these goals

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

Table 1 Workforce Underutilization Analysis of Protected Groups


(x indicates the job categories and protected groups that have underutilization.)

Job Categories	Female	Racial/Ethnic Minorities	Individuals with Disabilities	Veterans
Administrative Support				
Faculty				X
Officials & Administrators				
Professionals/CLA				X
Service Maintenance				
Technicians				

Once complete, information about how to obtain or access a copy of this Plan is provided to every employee of Central Lakes College. Our intention is to make every employee aware of **Central Lakes College's** commitment to affirmative action and equal employment opportunity. The completed Plan is also posted on the College's website and maintained in the **Human Resources/Affirmative Action Office**.

Affirmative Action Officer or Designee: _____ **Date Signed:** _____

Human Resources Director or Designee: _____ **Date Signed:** _____

College President:  _____ **Date Signed:** 11/4/2020

Organizational Profile

Central Lakes College is located in Central Minnesota. Central Lakes College, in existence since 1938, is a comprehensive community College that offers both technical and community College programs at two campuses, Brainerd and Staples. CLC is a member of Minnesota State, which is comprised of 37 state universities and community and technical colleges serving the higher education needs of Minnesota.

As a comprehensive two-year college, we promote success for our students, businesses and communities. Our dedicated and competent employees provide opportunities for students to prepare for the future by learning the knowledge, skills and attitudes necessary for living and learning.

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Individuals Responsible for Directing/Implementing the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item B

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. Quarterly, the President reports the College's progress in meeting its affirmative action goals and objectives to the Chancellor and the Board of Trustees. The Chancellor and the Board of Trustees are responsible for reporting the institution's progress to the Governor and the Legislature.

Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the College's Affirmative Action Plan in the position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the College's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with to all employees.
- Make decisions and changes in policies, procedures or physical accommodations as 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 plans, and the College's mission.
- Notify all contractors and sub-contractors with the College of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all College directors, managers, and supervisors include responsibility statements to support affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with state-wide and College anti-discrimination and anti-harassment policies.

Accountability

The President is accountable directly to the Chancellor of Minnesota State and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: Hara Charlier

Email: hara.charlier@clcmn.edu

Title: President

Phone: 218-855-8053

B. Affirmative Action Officer

Responsibilities

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

Duties

The duties of the Affirmative Action Officer include, but are not limited to:

- 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 of affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the College, System Office, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the College. Develop training goals and content with internal and external resources.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the College.
- Support and recruit racial/ethnic minorities, individuals with disabilities, and females 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 President for final decision.

- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected groups.
- 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 Workforce Diversity Recruitment program.
- Comply with state-wide and College anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer is accountable to the President for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administration of ADA Title II, manages diversity and inclusion initiatives, and other equal opportunity related matters. In addition, the AAO ensures that aggregate data and trends of complaints of illegal discrimination in hiring are provided and shared with the Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Kristi Lane

Email: Kristi.lane@clcmn.edu

Title: Affirmative Action Officer

Phone: 218-855-8054

C. Affirmative Action Officer Designee(s)

Responsibilities

Designees are responsible for the implementation of the department's Affirmative Action Plan at their facility/work location. Each designee is directly accountable to the College's Affirmative Action Officer for matters relating to affirmative action.

Duties

The duties of Affirmative Action Designees include, but are not limited to:

- Fulfill all affirmative action reporting requirements by submitting standard reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as ex-officio member of the Employee Resource Group (ERG) diversity committee at their work and/or participate in the College's diversity or equity committee.

- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices to recommend changes to the Affirmative Action Officer.
- Partner with the College’s recruitment team at their work locations.
- Comply with the statewide and College anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Designee is accountable indirectly to the Affirmative Action Officer on matters pertaining to Affirmative Action and Equal Opportunity.

Name of individual(s) responsible

Name: Teresa Schmitz

Email: Teresa.schmitz@clcmn.edu

Title: Asst. HR Director

Phone: 218-855-8050

Name: Michelle Edin

Email: michelle.edin@clcmn.edu

Title: HR Assistant

Phone: 218-855-8055

D. Human Resources Director

Responsibilities

The Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies.

Human Resources (HR) Director is responsible, in conjunction with the College’s ADA Coordinator, for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the College. The HR Director is responsible for assisting managers and supervisors in human resource management activities.

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

Duties

The duties of HR Director include, but are not limited to:

- Maintain effective working relationships with the College Affirmative Action Officer 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 use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, the Affirmative Action Officer, and HR staff in the creation of supported worker positions. These positions help reduce College costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the 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.
- Comply with state-wide and College anti-discrimination and anti-harassment policies.

Accountability

HR staff are accountable to the HR Directors or Designees.

Name of individual(s) responsible

Name: Kristi Lane

Email: kristi.lane@clcmn.edu

Title: Human Resources Director

Phone: 218-855-8054

E. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for ensuring 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 include, but are not limited to:

- Provide guidance, coordination, and direction to College management on the ADA. The College develops and implements policies, 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 for hiring and retaining 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 regulations and update HR 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 state-wide 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, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator and the Human Resources Director (HRD) who also serves as the ADA Coordinator, in consultation with the employee and supervisor, and other individuals involved must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;

- Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform 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.
- Comply with state-wide and College anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I Coordinator is accountable to the President.

Name of individual(s) responsible

Name: Kristi Lane

Email: Kristi.lane@clcmn.edu

Title: ADA Coordinator

Phone: 218-855-8054

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible ensuring the College’s compliance with the ADA Title II – Public Services, in accordance with the ADA as amended, and the Minnesota Human Rights Act.

Duties:

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

- Provide guidance, coordination, and direction to College management on the ADA. The College develops and implements policies, procedures, and practices to ensure College employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to the College’s management and staff on compliance and best practices with regard and obligation to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing College services. Report reasonable modifications annually to MMB.
- Research case law rules and regulations and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates and share practices on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.

- Assist the Affirmative Action Officer in designing and delivering 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 will consult with the member of the public in need of a modification and:
 - Discuss the purpose and essential functions of the reasonable modification.
 - Identify the potential modifications and assess 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.
 - Document this review and reported in the State ADA Annual Report.
- Comply with state-wide and College anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title II Coordinator is accountable to the President.

Name of individual(s) responsible

Name: <u>Mary Sam</u>	Email: <u>mary.sam@clcmn.edu</u>
Title: <u>ADA Compliance Officer</u>	Phone: <u>218-855-8159</u>
Name: <u>Malory Sheik</u>	Email: <u>malory.sheik@clcmn.edu</u>
Title: <u>Accessibility Services Coordinator</u>	Phone: <u>218-855-8175</u>

G. Senior Directors/Supervisors, Deans and Executive Team Leaders

Responsibilities

College senior directors/supervisors, deans and executive team leaders are responsible for implementing all aspects of the College Affirmative Action Plan and the College's commitment to affirmative action and equal opportunity.

Duties

The duties of senior directors/supervisors, deans and executive team leaders include, but are not limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the College.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ensure the College's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results, in addition to other job performance criteria.
- Comply with statewide and College anti-discrimination and anti-harassment policies.

Accountability

Senior directors/supervisors, deans and executive team leaders are accountable directly to the College President. Deans are accountable to the Vice President of Academic and Student Affairs. Managers are accountable either to a Dean or the College President.

H. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota and Minnesota State College and University's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of 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's complaint procedure.

Duties:

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

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.

- Refrain from any actions that would adversely affect a colleague on the basis of their 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.
- Comply with state-wide and College anti-discrimination and anti-harassment policies.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the College's Commissioner. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item D and Minnesota Administrative Rules, part 3905.0400, subpart 1, item E

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

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employee's responsibility to support and implement equal opportunity and affirmative action.
- **Intranet.** The College's Affirmative Action Plan is available to all employees on the College's internal website at <http://www.clcmn.edu/human-resources/> and in print to anyone who requests it. As requested, the College will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the College's Affirmative Action Plan is available to employees at the following address: Central Lakes College, 501 West College Drive, Brainerd, MN 56401 or the following SharePoint address: <https://clcmn.sharepoint.com/SitePages/Home.aspx>

Signage. Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** The College's Affirmative Action Plan is available on the College's public website at <http://www.clcmn.edu/human-resources/>. Printed copies are available to anyone who requests it. As requested, the College will make the plan available in alternative formats.
- **Equal opportunity employer language.** The College's website homepage, letterhead, publications, and all job postings, includes the statement "Central Lakes College is an equal opportunity employer." The College will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. 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 Central Lakes College's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address: Central Lakes College, 501 West College Drive, Brainerd, MN 56401

Job Category Analysis

Minnesota Administrative Rules 3905.0600 Subp 3.A and Minnesota Administrative Rules 3905.0600 Subp 3.B

The College conducted a Job Category Analysis to determine the percent of protected group employees in each job category. The job category analysis lists job class titles in each Equal Employment Opportunity (EEO) job category at the College. A job classification is a group of one or more positions with similar duties and responsibilities. These classifications help clarify positions within the class so the same schedules of pay can be applied with equity to all positions in the class that fall under the same, or substantially the same, employment conditions.

Determining Availability

MS 43A.19(b), MS 43A.19(c), Minnesota Administrative Rules 3905.0600 Subp 1, Minnesota Administrative Rules 3905.0600 Subp 2, Minnesota Administrative Rules 3905.0600 Subp 3C, and Minnesota Administrative Rules 3905.0600 Subp 3D

For purposes of this Affirmative Action Plan, “availability” means an estimated percentage of qualified females, racial/ethnic minorities, or individuals with disabilities in the relevant labor market who are available for positions in each job category at a state College.

The College used the United States Census Bureau’s 2014-2018 American Community Survey, which is the most current statistical information available at the time of developing this Affirmative Action Plan.

The College used the American Community Survey statistical data for external availability and feeder job statistics of employees for internal availability. For affirmative action purposes, “feeder job” means staffed positions within the College that can be promoted and/or transferred into/within EEO job categories (refer to Appendix D. Feeder Jobs for details).

These external and internal factors are weighted according to the College’s past hiring patterns and/or future recruitment focus to obtain the final availability (Refer to Appendix D. Feeder Jobs and Appendix E. Determining Availability for details).

Utilization/Availability Analysis, Establishment of Goals, and Timetables

Minnesota Administrative Rules 3905.0400 Subp 1 Item G, Minnesota Administrative Rules 3905.0600 Subp 3, Minnesota Administrative Rules 3905.0600 Subp 4, Minnesota Administrative Rules 3905.0600 Subp 5, and Minnesota Administrative Rules 3905.0600 Subp 6.

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state. As explained in the previous section, “availability” means an estimated percentage of qualified females, racial/ethnic minorities, or individuals with disabilities in the relevant labor market who are available for positions in each job category at a state College.

Through the utilization and availability analysis, the College has determined which job categories are underutilized for females, racial/ethnic minorities, and individuals with disabilities in the College and has set hiring goals for the next two years. Hiring goals are objective and used for making good faith efforts for all aspects of the affirmative action program. Effective hiring goals are strategic, actionable, and measurable efforts the College is committed to pursuing and implementing in 2020-2022.

The goals are not quotas, nor do they require protected group status-based hiring preferences. They are aspirational goals so that the College makes good faith efforts to remove barriers to equal employment opportunity.

The College used the whole person rule to establish a hiring goal. This means when the actual representation percentage of females, racial/ethnic minorities, or individuals with disabilities is less than reasonably would be expected given the workforce participation in the labor market area, and that difference is at least one whole person (more than 1), then a goal is established for that job category.

When a hiring goal for a job category is established, a percentage goal equal to the final availability percentage is calculated for females, racial/ethnic minorities, and individuals with disabilities in that job category.

In **Table 2. Hiring Goals by Job Category and Protected Group**, if a protected group in a job category shows “Monitor,” the College will proactively make good faith efforts to recruit external qualified protected groups. The College will also train and retain employees in the job category to help prevent underutilization due to an employee move or attrition.

Refer to Appendix F. Utilization-Goals for details for underutilization and hiring goals.

Table 2. Hiring Goals by Job Category and Protected Group is a summary of hiring goals by job category and protected group. The actions the College will take to address these hiring goals will be described in [Corrective Actions and Action-Oriented Programs](#) section.

Table 2. Hiring Goals by Job Category and Protected Group Note: The Central Lakes College 2018-2020 Affirmative Action Plan separated the Professionals job category into classified and unclassified jobs. For the purpose of consistency with other state agencies, the 2020-2022 Affirmative Action Plan does not distinguish between classified and unclassified jobs for Professionals.

Note: The 2018-2020 Affirmative Action Plan grouped Technician and Paraprofessionals together, and Service and Protective Services together in the analysis and presentation of utilization, separation and hiring goals data. To be consistent with other state agencies, under the direction of MMB, Central Lakes College has separated the grouping for these job categories for this 2020-2022 Affirmative Action Plan and Veterans

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2020-2022	Racial/Ethnic Minorities Establish Goals?	Racial/Ethnic Minorities If Yes, Goals for FY 2020-2022	IWD Establish Goals?	IWD If Yes, Goals for FY 2020-2022	Veteran Established Goals?	Veteran's if Yes, Goals for FY2020-2022
Officials/Administrators			Monitor		Monitor		Monitor	
Professionals					Monitor		Yes	4.87%
Technicians					Monitor		Monitor	
Office/Clericals					Monitor		Monitor	
Skilled Craft					Monitor		Monitor	
Service Maintenance					Monitor		Monitor	
Faculty: Temporary					Monitor		Yes	4.06%
Faculty: Probationary								
Faculty: Unlimited							Yes	4.06%
	Monitor	Blank	Monitor	Blank	Monitor	Blank	Monitor	Blank

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2020- 2022	Racial/ Ethnic Minorities Establish Goals?	Racial/ Ethnic Minorities If Yes, Goals for FY 2020- 2022	IWD Establish Goals ?	IWD If Yes, Goals for FY 2020 - 2022	Veteran Establish ed Goals?	Veteran' s if Yes, Goals for FY2020- 2022

Progress and Personnel Activity Reports

MS 43A.19 Subd. 1(a)(3) for separations, and Minnesota Administrative Rules 3905.0400 Subp. 1 Item I

The progress report examines hiring goals established in the prior Affirmative Action Plan. As a part of the College's monitoring practices, the College evaluated if it met the hiring goal(s) established in the prior Affirmative Action Plan (refer to **Appendix A. Progress Report**).

Separation results were evaluated to identify potential action area(s) to establish retention strategies for the 2020-2022 plan year (refer to **Appendix B. Separation Analysis**).

Identification of Areas for Further Monitoring

Minnesota Administrative Rules 3905.0400 Subp. 1 Item H and I

Monitoring personnel activity helps agencies monitor progress in meeting hiring goals. Data from the previous plan period can help indicate when changes to program efforts are appropriate.

Workforce Snapshot

In **Appendix F. the Utilization Goals worksheet** indicates if a job category by protected group is underutilized.

Area(s) in the College's workforce that require further monitoring appear in the "Establish Goals?" column as:

- "Yes": there is underutilization.
- "Monitor": the College needs to monitor the job it may be underutilized where employee movement occurs.

[Collective Action and Action Oriented Programs](#) will be followed to address the identified placement goal(s).

Personnel Activities

Progress Reports

Appendix A. Progress Report includes only job categories that have hiring goal(s) established in the prior Affirmative Action Plan and it evaluates if the College attained the hiring goal(s).

Where the indication of the “Goal Met?” column is:

- “Yes”: the College met the goal established in the prior Affirmative Action Plan.
- “No”: the College did not attain the goal established in the prior Affirmative Action Plan.
- “No Hire/Prom”: there were no opportunities in the prior Affirmative Action Plan period.

[Corrective Actions and Action-Oriented Programs](#) will be followed to address the identified area(s) to monitor/focus.

Separations

Appendix B. Separation Analysis shows the results by separation type and the protected group during the prior Affirmative Action Plan period. The separation percentages were derived within the separation type by protected group to identify impact on protected group members. There are two examinations in this worksheet:

1. The total percentage indicates the percentage by separation type. For example, there were 15 separations in total. Of those separations, 10 employees separated due to dismissal or non-certification. The dismissal or non-certification percentage is 66.67% (10 divided by 15).
2. The “percentage type¹” indicates percentages by protected group within a separation type. For example, there were 10 separations by dismissal or non-certification in total. Of those separations, eight were female employees. The female dismissal or non-certification separation is 80.00% (8 divided by 10).

[Corrective Actions and Action-Oriented Programs](#) will be followed to address the identified area(s) to monitor/focus.

Corrective Actions and Action-Oriented Programs

Minnesota Administrative Rules 3905.0400 Subp 1 Item H

The College’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, section 43A.191 Subdivision 2. These Action-Oriented Programs are carried out throughout this Affirmative Action Plan period.

Corrective Actions

This section identifies ways the College will eliminate barriers, provide corrective actions, and make good faith efforts toward the affirmative action goals for underutilized protected groups (broken down by specific job categories).

The College developed the below action-oriented programs specific to the job category/protected group(s) identified in the “[Identification of Areas for Further Monitoring](#)” section supported by the “[Utilization/Availability Analysis, Establishment of Statement of Goals, and Timetable](#)” and “[Personnel Activities](#)” sections.

Table 3. Areas of Further Monitoring and Corrective Actions

Areas for Further Monitoring	Corrective Actions
Officials/Administrators <ul style="list-style-type: none"> The College needs to “monitor” Racial/Ethnic Minorities, Individuals with Disabilities (IWD) and Veterans because underutilization may occur by some employee movement. 	<ul style="list-style-type: none"> Plan to review job descriptions, especially minimum qualifications, to identify any words/descriptions that screen out racial/ethnic minorities. By June, 30, 2021, look at succession planning and employee development, as well as promotional possibilities as retirements occur. If vacancies occur, ensure widespread posting areas to receive a large diverse applicant pool by engaging with national websites when applicable, diverse websites, veteran organizations and community partners.
Faculty <ul style="list-style-type: none"> The College needs to “monitor” Individuals with Disabilities (IWD) because underutilization may occur by some employee movement. Veterans are underutilized. 	<ul style="list-style-type: none"> If vacancies occur, ensure widespread posting areas to receive a large diverse applicant pool such as American Assoc. for Access, Equity & Diversity and other diverse websites as well as utilizing HERC (Higher Ed Recruitment Consortium). Create a partnership with Veterans’ Services department to ensure awareness of vacancies within the institution and state-wide availability. Promote CLC’s Culture of Caring environment and community involvement.

Commented [AD1]: Please be more specific regarding building a diverse pool. Are there partnerships to consider? Professional organizations?

Commented [AD2]: Same here. Be more specific in your actions to building a diverse pool. Will there be specific partnerships to consider? Professional organizations?

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Areas for Further Monitoring	Corrective Actions
Professionals <ul style="list-style-type: none"> The College needs to “monitor” Individuals with Disabilities (IWD) because underutilization may occur by some employee movement. Veterans are underutilized. 	<ul style="list-style-type: none"> Consider utilizing the State of MN Connect 700 program to increase exposure to state jobs in the disability and veteran community. Create a partnership with Veterans’ Services department to ensure awareness of vacancies within the institution and state-wide availability. Review and expand current recruiting tools to reach identified targeted applicants. Increase communication to current employees regarding importance of self-identifying as a member of an underutilized group to ensure accuracy.
Technicians <ul style="list-style-type: none"> The College needs to “monitor” Females, Racial/Ethnic Minorities, Individuals with Disabilities (IWD) and Veterans because underutilization may occur by some employee movement. 	<ul style="list-style-type: none"> The college will be proactive in enhancing efforts in this area to recruit a more diverse applicant pool by utilizing wide range web and paper advertising, partnering with professional organizations and industry specific websites. Create a partnership with Veterans’ Services department to ensure awareness of vacancies within the institution and state-wide availability. By October 31, 2021, contact local vocational schools, DEED, and training centers to increase recruitment efforts. By December 31, 2021, partner with community organizations to establish relationships to develop talent pipelines to positions in this job category. Evaluate the success of these activities at the end of this plan year
Administrative Support <ul style="list-style-type: none"> The College needs to “monitor” Individuals with Disabilities (IWD) and Veterans because underutilization may occur by some employee movement. 	<ul style="list-style-type: none"> By October 31, 2021, contact local vocational schools, DEED, and training centers to increase recruitment efforts. Utilize the State of Minnesota Connect 700 program to increase exposure to state jobs in the disability community. By December 31, 2021, partner with community organizations to establish relationships to develop talent pipelines to positions in this job category. Evaluate the success of these activities at the end of this plan year

Commented [AD3]: Same opportunity here to be more specific in the actions to undertake to build a diverse applicant pool.

Areas for Further Monitoring	Corrective Actions
Service Maintenance <ul style="list-style-type: none"> The College needs to “monitor” Females, Racial/Ethnic Minorities, Individuals with Disabilities (IWD) and Veterans because underutilization may occur by some employee movement. 	<ul style="list-style-type: none"> Draws from local or regional group – work with veteran agencies –communities in our region that have a more diverse population than Brainerd/Staples area. Create postings that are more inclusive and detailed as wording of “maintenance” may preclude applicants not knowing what the job consists of. We have done well with hiring females in recent years, but this needs to continue to be monitored and we need to focus on expanding our reach to other protected groups by reviewing and expanding current recruiting tools to reach racial/ethnic minority candidates. Partner with DEED, Lakes Area Human Resource Association (LAHRA) and local workforce development and veteran agencies.

Commented [AD4]: Same additions needed here regarding specific actions.

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Other Action-Oriented Programs

This section provides an overview of the College’s general efforts and actions to ensure equal opportunity. Colleges have reviewed barriers to hiring during the previous plan period and identified recruitment strategies, processes, and training to address underutilization for this plan year.

Barriers

The College has constraints to address underutilization and areas for monitoring identified in the previous section.

- Limited anticipated number of open positions in this plan year.
- Limited outreach due to unanticipated budget deficiencies. This will limit our outreach and effectiveness of recruitment efforts.
- Reluctance of employees to self-identify, including individuals with disabilities. This will affect the representation of employees in this protected group.

Recruitment and Processes

The College takes the following actions to improve recruitment and increase the number of qualified females, racial/ethnic minorities, and individuals with disabilities in the applicant pool:

- The College will continue to place advertisements of job opportunities through [the State of MN Career site](https://mn.gov/mmb/careers/search-for-jobs/) (<https://mn.gov/mmb/careers/search-for-jobs/>), Upper Midwest HERC, American

Commented [AD5]: Are you using Upper Midwest HERC as a resource? We also have access to a website called The Registry for diverse faculty candidates.

Assoc. for Access, Equity & Diversity, Registry for Diverse Faculty candidates, Academic Diversity Search, Inc., and other relevant publications and organizations.

- *Analyze the college search process through an equity lens ensuring the process is culturally aware and providing equal access to all applicants.*
- *Continue to consider female, racial/ethnic minorities, and individuals with disability applicants for all positions for which they qualify.*
- *Participate in virtual job fairs that are successful to obtain qualified protected group applicants.*
- *Use LinkedIn job posting feature to search for applicants, which we have been successful in obtaining qualified protected candidates.*
- *Establish relationship with the Brainerd Lakes Area community and students who identify as having a disability to recruit for entry-level positions.*
- *Advertise the Connect 700 program to attract qualified individuals with disabilities by providing a link to MMB's web site.*
- *Continue to use the EEO tag line on all job postings and advertisements.*
- *Continue to publish recruitment media depicting individuals that represent protected groups.*
- *Review/evaluate job postings to eliminate non-inclusive language.*
- *Ensure recruitment and advertising includes language about CLCs Culture of Caring, inclusivity and being recognized as Top Colleges to Work.*

Persons Responsible:

- Kristi Lane, Director of Human Resources
- Teresa Schmitz, Assistant Director of Human Resources
- Michelle Edin, Human Resource Assistant
- Cabinet/Executive Leaders

Retention

The College will take the following actions to improve retention of females, racial/ethnic minorities, and individuals with disabilities:

- *Continue to meet with all new hires and create a 30-day onboarding check-in to ensure all employees feel supported and integrated into the campus culture.*
- *Ensure an inclusive work environment and equal opportunities for all employees.*
- *Encourage use of the College's mentor-mentee programs.*
- *Develop and communicate to employees' leadership ladder/succession planning.*
- *Promote State of MN Employee Assistance Program.*

Commented [AD6]: Perhaps encourage employees to participate in the systemwide Employee Resource Groups.

- Promote and encourage employees to participate in the MinnState Employee Resource Groups <https://www.minnstate.edu/system/equity/images/ERG-Poster.pdf>

Persons Responsible:

- Kristi Lane, Director of Human Resources
- Teresa Schmitz, Assistant Director of Human Resources
- Michelle Edin, HR Assistant
- Cabinet and Executive Team

Training

The College will take the following actions to improve retention of females, racial/ethnic minorities, and individuals with disabilities:

- *Complete Cultural Competency Training College-Wide*
 - *Further develop IDI Assessment, workshops and coaching session with leadership*
 - *Broaden IDI training throughout employee groups*
- *Implement cross-learning programs to develop employee's skill and competencies*
- *Provide quality on-boarding orientations.*
- *Announce training opportunities to all employees.*
- *Broadly announce all promotion and transfer opportunities.*
- *Provide unconscious bias training to all employees.*
- *Ensure all new hires receive inclusive workplace e-learning training.*

Persons Responsible:

- Kristi Lane, Director of Human Resources
- Cabinet and Executive Leaders

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

Central Lakes College will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of females, racial/ethnic minorities, or individuals with disabilities. The College will use the Monitoring the Hiring Process form for every hire to track the number of females, racial/ethnic minorities, and individuals with disabilities in each stage of the selection process. Directors, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action are carried out. Directors, managers, and supervisors must document their hiring decisions and Affirmative Action Officer and HR Assistant will review for bias.

A College that does not meet its hiring goals for competitive appointments, and noncompetitive appointments under MS 43A.08, subd. 1(9), (11) and (16), and 43A.15, subd. 3, 10, 12, and 13, must justify its non-affirmative action hires. The affirmative action statute was amended in 2019 so colleges/universities can no longer take missed opportunities. The College will report the number of affirmative and non-affirmative hires to MMB on a quarterly basis.

When candidates are invited to participate in the selection process, employees scheduling the selection process will describe the process to the candidate (*e.g.*, interview process, testing process). All candidates are 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 need a reasonable accommodation in advance.

All employees involved in the selection process are trained and accountable for the college's commitment to equal opportunity and the affirmative action program and its implementation.

Pre-Review Procedure for Layoff Decisions

The Affirmative Action Officer/Human Resources office is responsible for reviewing all pending layoffs to determine their effect on the College's affirmative action goals and timetables. They will also take into consideration contractual obligations and input from Executive Team leaders.

If it is determined that there is a disparate 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 disparate impact on protected groups.

Other Methods of Program Evaluation

The College submits the following compliance reports to MMB as part of the efforts to evaluate the College's affirmative action program:

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

The College also evaluates the Affirmative Action Plan in the following ways:

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

Policies, Procedures, and Notice

A. Minnesota State's Equal Opportunity and Non-discrimination in Employment and Education Policy, Board Policy 1B.1

Part 1. Policy Statement.

Subpart A. Equal opportunity for students and employees. Minnesota State Colleges and Universities has an enduring commitment to enhancing Minnesota's quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. To help effectuate these goals, Minnesota State Colleges and Universities is committed to a policy of equal opportunity and nondiscrimination in employment and education.

Subpart B. Nondiscrimination. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on familial status or membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

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

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

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

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

Part 2. Definitions.

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

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

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

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

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

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

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

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender

expression. In addition, familial status and membership or activity in a local human rights commission are protected classes in employment.

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

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

- a. made a complaint under this policy;
- b. assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c. associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d. Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or 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:

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

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

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

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

B. Minnesota State's Report/Complaint of Discrimination/Harassment Investigation and Resolution, System Procedure 1B.1.1

Part 1. Purpose and applicability.

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

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

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

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

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

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

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

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

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

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

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

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

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

- An employee and a student if the employee is in a position to evaluate or otherwise significantly influence the student's education, employment, housing, participation in athletics, or any other College or university activity (employee includes, for example, graduate assistants, administrators, coaches, advisors, program directors, counselors and residence life staff);
- A faculty member and a student who is enrolled in the faculty member's course, who is an advisee of the faculty member, or whose academic work is supervised or evaluated by the faculty member; and
- A supervisor and an employee under the person's supervision.

A faculty member or other employee is prohibited from undertaking a romantic or sexual relationship or permitting one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation.

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

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

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

Part 4. Reporting incidents of discrimination/harassment

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

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

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

Subpart C. Reports against a president. A report/complaint against a president of a College or university shall be filed with the system office. However, complaints against a president shall be processed by the College or university if the president's role in the alleged incident was limited to a

decision on a recommendation made by another administrator, such as tenure, promotion or non-renewal, and the president had no other substantial involvement in the matter.

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

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

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

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

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

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

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

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

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

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

7. **Interim actions.**

a.) Employee reassignment or administrative leave. Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

b.) Student summary suspension or other action. Under appropriate circumstances, the president or designee may, in consultation with system legal counsel, summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any College or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

8. **No basis to proceed.** At any point during the processing of the complaint, the designated officer may determine that there is no basis to proceed under Board Policy 1B.1. The designated officer shall refer the complaint as appropriate. The designated officer shall notify the complainant and respondent of the outcome as appropriate, in accordance with applicable data privacy laws.

9. **Timely Completion.** Colleges, universities and the system office must provide resources sufficient to complete the investigative process and issue a written response within 60 days after a complaint is made, unless reasonable cause for delay exists. The designated officer shall notify the complainant and respondent if the written response is not expected to be issued within the 60-day period. The college, university or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

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

1. conduct or coordinate education/training;
2. facilitate voluntary meetings between the parties;
3. recommend separation of the parties, after consultation with appropriate system office, College or university personnel;
4. other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;

5. the system office, College or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;
6. upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

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

1. **Designated officer.** The designated officer shall:
 - a.) prepare an investigation report and forward it to the decisionmaker for review and decision;
 - b.) take additional investigative measures as requested by the decisionmaker; and
 - c.) be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.
2. **Decision maker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
 - a.) determine whether additional steps should be taken prior to making the decision. Additional steps may include:
 1. a request that the designated officer conduct further investigative measures;
 2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
 3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.
 - b.) take other measures deemed necessary to determine whether a violation of Board Policy 1B.1 has been established;
 - c.) when making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
 - d.) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
 - e.) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board policy 1B.1 has been violated.

f.) Conduct that is determined not to have violated Board policy 1B.1 shall be referred to another procedure for further action, if appropriate.

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

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

Part 8. Appeal.

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

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

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

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

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

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

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

Discrimination/Harassment Complaint Form

https://www.minnstate.edu/system/equity/docs/reviews/complaint_form.pdf

**Minnesota State Colleges and Universities
Discrimination/Harassment Complaint Form**

Date: _____

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

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone (work) _____ (home) _____

Sex: ☐ Male ☐ Female

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

TYPE OF COMPLAINT: ☐ DISCRIMINATION ☐ HARASSMENT ☐ RETALIATION

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

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

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

Name of RESPONDENT: _____
(if more than one respondent, list complete information for each)

Address (local): _____

Address (residence): _____

City: _____ State: _____ Zip: _____

Phone (work) _____ (home) _____

Sex: ☐ Male ☐ Female

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

1

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

2

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

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 #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?

LIST DOCUMENTS YOU BELIEVE MAY HELP IN INVESTIGATING YOUR COMPLAINT. PROVIDE THE NAME, DATE AND EXPLANATION OF THE CONTENTS OF EACH DOCUMENT. ADD MORE PAGES IF NECESSARY.

NAME OF DOCUMENT #1: _____
DATE: _____ EXPLANATION OF CONTENTS: _____

NAME OF DOCUMENT #2: _____
DATE: _____ EXPLANATION OF CONTENTS: _____

NAME OF DOCUMENT #3: _____
DATE: _____ EXPLANATION OF CONTENTS: _____

C. Minnesota State’s Sexual Violence Policy, 1B.3

Part 1. Policy statement

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minnesota State Colleges and Universities. Minnesota State is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law or of other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Minnesota State provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

Subpart A. Application of policy to students, employees, Board of Trustees and others

This policy applies to all Minnesota State students and employees, Board of Trustees and to others, as appropriate, where incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

Reports of sexual violence committed on system property by individuals who are not students or employees are subject to appropriate actions by Minnesota State, including but not limited to pursuing criminal or civil action against them.

Allegations of discrimination or harassment are governed by Board Policy 1B.1.

Subpart B. College and university policies

Each Minnesota State College and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including but not limited to its students and employees. The policy content and implementation must be consistent with the standards in this policy and System Procedure 1B.3.1.

Part 2. Definitions

The following definitions apply to this policy and System Procedure 1B.3.1.

Affirmative consent

Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Dating, intimate partner, and relationship violence

Violence including physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota law.

Employee

Any individual employed by Minnesota State, its colleges and universities and system office, including student workers.

Non-forcible sex acts

Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

Subpart B. Sexual assault

An actual, attempted, or threatened sexual act with another person without that person's affirmative consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State student codes of conduct and employee disciplinary standards. Sexual assault includes but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as date rape or acquaintance rape. This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.
3. Intentional and unwelcome touching of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast); or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior directed at another, such as indecent exposure or voyeurism.

Sexual violence

A continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.

Stalking

Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

Student

All persons who:

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

5. Are not College or university employees and are not enrolled in the institution but live in a College or university residence hall.

System property

The facilities and land owned, leased, or under the primary control of Minnesota State, its Board of Trustees, system office, colleges, and universities.

D. Procedure 1B.3.1 Response to Sexual Violence and Title IX Sexual Harassment

Part 1. Purpose

This procedure provides a process through which individuals alleging sexual violence may pursue a complaint, pursuant to Board Policy 1B.3 Sexual Violence Policy prohibiting sexual violence.

This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

Part 2. Definition

The definitions in Policies 1B.3 and 1B.1 also apply to this procedure.

Campus security authority

Campus security authority includes the following categories of individuals at a college or university:

1. A college or university security department;
2. Any individual who has campus security responsibilities in addition to a college or university security department;
3. Any individual or organization identified in a college or university security policy as an individual or organization to which students and employees should report criminal offenses;
4. An official of a college or university who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations; and

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<https://www.minnstate.edu/board/procedure/1b03p1.html>

athletic coaches. Professional counselors, whose official responsibilities include providing mental health counseling, and who are functioning within the scope of their license or certification, are not included in this definition.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment (as defined by Title IX).

Educational program or activity

Includes locations, events, or circumstances over which the college or university exercised substantial control over both the respondent and the context in which the sexual

Page 2

Procedure 1B.3.1

harassment (as defined by Title IX) occurs, and also includes any building owned or controlled by any officially recognized student organization of the college or university.

Formal complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined by Title IX) against a respondent and requesting that the college or university investigate the allegation of sexual harassment. At the time of filing the formal complaint of sexual harassment (as defined by Title IX), a complainant must be participating in or attempting to participate in the education program or activity of the college or university with which the formal complaint is filed.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment (as defined by Title IX).

Supportive measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal Title IX complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling,

extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator

Employee(s) designated by the president to coordinate the college or university's efforts to comply with its Title IX responsibilities and Board Policies 1B.1 and 1B.3. A campus can delegate Title IX responsibilities to, for example, a deputy or deputies, and/or an investigator.

Title IX sexual harassment

For purposes of Title IX, sexual harassment means conduct on the basis of sex that occurs in a college or university's program or activity in the United States that satisfies one or more of the following:

1. An employee of the college or university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the

Page 3

Procedure 1B.3.1

college or university's education program or activity; or

3. Sexual assault; dating, intimate partner, and relationship violence; and stalking as defined in Board Policy 1B.3

Part 3. Reporting Incidents of Sexual Violence

Subpart A. Prompt reporting encouraged

Complainants of sexual violence and sexual harassment (as defined by Title IX) may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling and health care

providers, campus Title IX coordinators, or Minnesota State Colleges and Universities campus security authorities for appropriate action.

Subpart B. Assistance in reporting

When informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), all Minnesota State Colleges and Universities students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, campus Title IX coordinator, or campus security authorities.

Campus security authorities, when informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), shall promptly assist the complainant, as requested, including providing guidance in filing complaints with outside agencies, such as law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with the Title IX Coordinator.

When appropriate, Minnesota State Colleges and Universities may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard. A college or university may take actions it deems necessary or appropriate in response to all protection, restraining, or no-contact orders.

Subpart C. Required reports

Any campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), shall follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual

Page 4

Procedure 1B.3.1

violence and sexual harassment (as defined by Title IX) shall report to the Title IX Coordinator, in order to initiate any applicable investigative or other resolution procedures. Campus security authorities may be obligated to report to law enforcement the fact that a

sexual assault has occurred, but the name of or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law.

Subpart D. Mandatory reporting of abuse or neglect of children or vulnerable adults

Minnesota law provides special protection for children under 18 and vulnerable adults. These laws, Minnesota Statutes sections 626.556 and 626.557, identify those who are mandated to report neglect or abuse of children under 18 and maltreatment of vulnerable adults. Faculty, student teachers or clinical participants, day care personnel, and others involved in education or services to children or vulnerable adults may be considered mandated reporters under both of these laws. Reports of abuse or neglect of a child or vulnerable adult, must be made to law enforcement or state or county social service agencies.

Part 4. Confidentiality of Reporting

Confidential reports

Because of laws concerning government data contained in Minn. Stat. Ch. 13 Government Data Practices, colleges and universities cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed healthcare professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or healthcare professionals.

Part 5. Policy Notices

Subpart A. Distribution of policy to students

Each college or university shall, at a minimum, at the time of registration make available to each student information about its sexual violence and sexual harassment (as defined by Title IX) policy and procedure), including its online reporting system that allows for anonymous reporting, and shall additionally post a copy of its policy and procedure at appropriate locations on campus and in appropriate handbooks at all times. A college or university may distribute its policy and procedure by posting on an Internet or Intranet website, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

Subpart B. Distribution of policy to employees

Colleges, universities, and the system office shall make available to all employees a copy of

the sexual violence and sexual harassment (as defined by Title IX) policy and procedure. Distribution may be accomplished by posting on an Internet or Intranet website, provided

Page 5

Procedure 1B.3.1

all employees are directly notified of the exact address of the policy and procedure as well as the option of receiving a paper copy upon request.

Subpart C. Required notice

Each college or university shall have a sexual violence and sexual harassment (as defined by Title IX) policy, which must include the notice provisions in this part.

1. Notice of Title IX Coordinator. Each college and university must notify applicants for admission and employment, students, employees, and all unions holding collective bargaining agreements with the college or university of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

2. Notice of non-discrimination. Each college and university must notify applicants for admission and employment, students, employees and all unions holding collective bargaining agreements with the college and university that the college or university does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Inquiries about the application of Title IX may be referred to the Title IX Coordinator and/or to the United States Department of Education.

3. Notice of complainant options

Following a report of sexual violence the complainant must be promptly notified of:

- a. Where and how to obtain immediate medical assistance. Complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
- b. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate college, university, or system contacts for employees, students, and others. Such contacts should be identified by name,

location, and phone number for 24-hour availability, as applicable.

c. Resources for where and how complainants may obtain on- or off-campus counseling, mental health, or other support services.

4. Notice of complainant rights

Complainants must be notified of the following:

a. Their right to make a report with local law enforcement officials in sexual assault cases.

b. Rights under the crime victims bill of rights, Minn. Stat. §§ 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.

c. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement

Page 6

Procedure 1B.3.1

officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident.

d. Assistance available from campus authorities in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding.

e. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately resolved.

f. Upon a sexual assault complainant's request, the college, university, or system office may take action and other supportive measures to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing, if such alternatives are available and feasible.

g. Upon request, students who reported sexual assaults to the college or university and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

Part 6. Investigation and Disciplinary Procedures

Suubpart A. General principles

College and university investigation and disciplinary procedures concerning allegations of sexual violence and sexual harassment (as defined by Title IX) against employees or students must:

- 1. Be respectful of the needs and rights of individuals involved and treat them with dignity;**
- 2. Not suggest the complainant was at fault for the sexual assault or should have behaved differently to prevent the assault;**
- 3. Proceed as promptly as possible;**
- 4. Permit a student complainant and a student respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law;**
- 5. Afford employees the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;**
- 6. Be conducted in accordance with applicable due process standards and privacy laws;**
- 7. Simultaneously inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law.**
- 8. Be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy, procedure, or code has been violated.**

The past sexual history of the complainant and respondent must be deemed irrelevant except as that history may directly relate to the incident being considered.

Page 7

Procedure 1B.3.1

A respondent's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

Subpart B. Relationship to parallel proceedings

In general, college, university, and system office investigation and disciplinary procedures for allegations of sexual violence and sexual harassment (as defined by Title IX) will proceed independent of any action taken in criminal or civil courts. A college or university need not, and in most cases should not, delay its proceedings while a parallel legal action is ongoing. If

a college or university is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for college, university, and system office procedures.

Subpart C. Memorandum of understanding with local law enforcement

Each college or university shall enter into a memorandum of understanding with the primary law enforcement agencies that serve their campus(es). Prior to the start of each academic year, each college or university shall distribute an electronic copy of the MOU to all employees on the campus that are subject to the memorandum. Colleges and universities are exempt from the MOU requirement if they and local or county law enforcement agencies establish a sexual assault protocol team to facilitate effective cooperation and collaboration between the college or university and law enforcement.

Subpart D. False statements prohibited

Colleges, universities, and the system office take allegations of sexual violence and sexual harassment (as defined by Title IX) very seriously and recognize the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence, or who provides false information during the investigation of such a complaint or report, may be subject to discipline or, under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

Subpart E. Sanctions

Sanctions that may be imposed if a finding is made that sexual violence and sexual harassment (as defined by Title IX) has occurred include, but are not limited to, discipline up to and including suspension, or expulsion of students, or discipline, up to and including termination from employment, as provided in the applicable bargaining agreement or compensation plan, for employees. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

Witnesses or victims who report in good faith an incident of sexual violence will not be sanctioned by the college, university, or system office for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

Page 8

Procedure 1B.3.1

Subpart F. Retaliation prohibited

Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

Part 7. Investigation and Resolution

The college, university or system office has a duty to take timely and appropriate action to stop behavior prohibited by Board Policy 1B.3, conduct investigations and take appropriate action to prevent recurring misconduct.

Subpart A. Informal resolution

A college or university may offer an informal resolution process if a formal complaint is filed and after providing both parties a notice of allegations. The parties must voluntarily consent, in writing, to the informal resolution process. At any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the process with respect to the formal complaint. This procedure neither prevents nor requires the use of informal resolution by individuals who believe they have been subject to conduct in violation of Board Policy 1B.3. Informal resolution shall not be used to resolve allegations that an employee sexually harassed a student.

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 Title IX Coordinator must be contacted in order to initiate a complaint under this procedure. The Title IX Coordinator shall determine the process used in each complaint based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.

1. Jurisdiction. The Title IX Coordinator shall:

- a. determine whether the complaint is one which should be processed through another system office, college or university procedure available to the**

complainant;

b. if appropriate, direct the complainant to that procedure as soon as possible;
and

c. for sexual harassment complaints, (as defined by Title IX), determine whether or not the complaint involves the education program or activity of the college or university and whether the incident occurred in the United States.

Page 9

Procedure 1B.3.1

2. Conflicts. The Title IX Coordinator should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the Title IX Coordinator, for the decision-maker, and/or for any person designated to facilitate an informal resolution for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another Title IX Coordinator, decision-maker, or person facilitating an informal resolution must be assigned.

3. Information provided to complainant. At the time the complaint is made, the Title IX Coordinator shall:

- a. inform the complainant of the provisions of the Board Policy 1B.3 and this procedure;
- b. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the complainant;
- c. determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement;
- d. inform the complainant of the provisions of Board Policy 1B.3 prohibiting retaliation;
- e. discuss the availability of supportive measures; and
- f. explain the process for filing a formal Title IX complaint.

4. Complaint documentation. The Title IX Coordinator shall insure that the complaint is documented in writing. The Title IX Coordinator may request, but

not require the complainant to document the complaint in writing using the complaint form of the system office, college or university.

5. Information provided to the respondent. At the time initial contact is made with the respondent, the Title IX Coordinator shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the sexual violence policy, including the name of the complainant. At the initial meeting with the respondent, the Title IX Coordinator shall:

- a. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the respondent;
- b. provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
- c. explain to the respondent that in addition to being interviewed by the Title IX Coordinator, the respondent may provide a written response to the allegations;
- d. determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement;

Page 10

Procedure 1B.3.1

- e. discuss the availability of supportive measures;
- f. inform the respondent of the provisions of Board Policy 1B.3 prohibiting retaliation; and
- g. utilize the template notice of allegations.

6. Investigatory process. The Title IX Coordinator shall:

- a. conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
- b. inform the witnesses and other involved individuals of the prohibition against retaliation;
- c. create, gather and maintain investigative documentation as appropriate;
- d. disclose appropriate information to others only on a need to know basis

consistent with state and federal law, and provide a data privacy notice in accordance with state law;

e. handle all data in accordance with applicable federal and state privacy laws

f. include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.

g. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.

h. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

i. For formal Title IX complaints, before completing the investigation report, send to both the complainant and the respondent and their advisors, if any, the evidence subject to inspection and review. Both the complainant and the respondent must have at least ten (10) calendar days to submit a written response to the evidence, which the Title IX Coordinator will consider before completing the investigative report. Both parties and their advisors may use the information solely for purposes of proceedings pursuant to this policy.

j. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a formal hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

7. Interim actions

a. Employee reassignment or administrative leave. Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which

Procedure 1B.3.1

the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

b. Student summary suspension or other action. Under appropriate circumstances, the president or designee may summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

8. No basis to proceed. At any point during the processing of the complaint, the Title IX Coordinator may determine that there is no basis to proceed under Board Policy 1B.3. The Title IX Coordinator may refer the complaint as appropriate to other college or university officials. If the conduct alleged in the formal Title IX complaint would not constitute Title IX sexual harassment even if proved, did not occur in the college or university's education program or activity, or did not occur against a person in the United States, then the college or university must dismiss the formal complaint. The college or university may dismiss a formal Title IX complaint or any allegations therein any time during the investigation or hearing if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the college or university; or specific circumstances prevent the college or university from gathering evidence sufficient to reach a determination as to the formal

complaint or allegations therein. The college or university must promptly notify both the complainant and the respondent of any dismissal.

9. Timely completion. Colleges, universities and the system office shall provide resources sufficient to complete the investigative process and issue a written response in a timely manner after a complaint is made, unless reasonable cause for delay exists. Reasonable cause may include considerations such as the absence of the party, a party's advisor or a witness; concurrent law enforcement activity or the need for language assistance or accommodation of disabilities.

The Title IX Coordinator shall notify the complainant and respondent if the written response is not expected to be issued within a timely manner. The college, university or system office must meet any applicable shorter time

Page 12 Procedure 1B.3.1

periods, including those provided in the applicable collective bargaining agreement.

Subpart D. Decision process

If the above methods, including the informal resolution process, have not resolved the complaint within a reasonable period of time to the satisfaction of the Title IX Coordinator, the procedures in this subpart must be followed.

1. Title IX Coordinator. The Title IX Coordinator shall:

- a. Prepare an investigation report.
- b. Refer the matter for a formal hearing.

2. Formal Hearing. Formal hearings for Title IX sexual harassment complaints will be conducted by the Office of Administrative Hearings pursuant to the rules for administrative hearings. If either the complainant or respondent does not have an advisor for the formal hearing, the college or university must provide an advisor without fee or charge to the complainant or respondent. Colleges and Universities shall maintain a roster of advisors for this purpose. The role of the advisor for the respondent is to conduct cross-examination on behalf of the respondent. At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the

college or university decision-maker.

3. Decision-maker. After receiving the report and recommendation prepared by the administrative law judge, the decision-maker shall:

- a. Decide whether the policy has been violated; and
- b. On appropriate sanctions if the policy has been violated;
- c. Issue a written determination that must include:
 1. identification of the allegations potentially violating this policy;
 2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearing help;
 3. findings of fact supporting the determination;
 4. conclusions regarding application of the policy to the facts;
 5. a statement of, and rationale, for the result as to each allegation, including determination regarding responsibility, any disciplinary sanctions the college or university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college or university's education program or activity will be provided by the college or university to the complainant; and
 6. the college or university's procedures and permissible bases for the complainant and respondent to appeal.

Page 13

Procedure 1B.3.1

The written determination may satisfy these elements by adopting portions of the report and recommendation. The decision-maker must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the college or university provides the parties with written determination of the result of the appeal; or if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The college, university, or system office shall take the appropriate corrective action based on results of the investigation, and the Title IX Coordinator 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 1B.3, as well as allegations of retaliation. Disciplinary action for students may include any sanctions the college or university imposes for any student conduct matters, up to and including expulsion. Disciplinary action for employees may include any discipline allowed under the applicable collective bargaining agreement or personnel plan, up to and including termination. 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 college, university, or system office. In accordance with state law, the college, university, or system office is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Minnesota Management and Budget 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) calendar days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision or sentence were 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. In addition, for a formal Title IX complaint, both the complainant and respondent may appeal a dismissal of a formal complaint.

Subpart B. Appeal process

The president or designee shall review the record and determine whether to affirm or modify the decision. Grounds for appeal include procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter, and a conflict of interest or bias by the Title IX Coordinator, or decision-maker that affected the outcome of the matter. 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 must

Page 14

Procedure 1B.3.1

be made within a reasonable time and the complainant, respondent and Title IX Coordinator must 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 colleges, universities, and system office 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.3 and this procedure. All colleges, universities, and the system office shall promote awareness of Board Policy 1B.3 and this procedure, and shall publicly identify the Title IX Coordinator. A college or university must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution policy, received training on Title IX sexual harassment complaints. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process on handling formal Title IX complaints must be made publicly available on the college or university's website.

Sexual Violence Prevention and Education

Subpart A. Campus-wide training

Colleges, universities, and the system office shall:

1. Include in their sexual violence policy a description of educational programs that they offer to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents;
2. Provide training on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided with this training;
3. Emphasize in their educational programs the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and

information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence.

Subpart B. Other training and education

Colleges and universities and affiliated student organizations are encouraged to develop educational programs, brochures, posters, and other means of information to decrease the incidence of sexual violence and advise individuals of the legal and other options available if they are the complainants of an incident or if they learn of such an incident.

Page 15

Procedure 1B.3.1

Subpart C. Training for individuals charged with decision-making authority

Prior to serving as either an investigator or decision-maker for complaints under this procedure, administrators shall complete investigator or decision-maker training provided by the system office.

Investigators/decision-makers, campus security officers, and anyone else involved in the adjudication process must receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Part 10. Maintenance of Report/Complaint Procedure Documentation


During and upon the completion of the complaint process, the complaint file must be maintained in a secure location in the office of the Title IX Coordinator for the college, university or system office, for a period of seven (7) years, in accordance with the applicable records retention schedule. Access to data must 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, and other applicable law. Information on reports of incidents of sexual violence that are made to campus security authorities must be documented in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 U.S.C. § 1092 (f). The information will be used to report campus crime statistics on college and university campuses as required by the Clery Act.

Each college, university and the system office shall annually report statistics on sexual assaults to the Minnesota Office of Higher Education. Additionally, the report must be published on

each college and university website in accordance with state law.

Sexual Violence Complaint Form

<https://www.minnstate.edu/system/equity/docs/Sexual%20Violence%20Complaint%20Form.pdf>

Sexual Violence Complaint Form	
<div><p>Sexual Violence Complaint Form</p><p>This form is intended for use by students, employees, faculty, vendors, visitors or other concerned parties to informally or anonymously report specific information related to incident(s) of sexual misconduct, dating/relationship violence and/or stalking.</p><p>For the victim/survivor reporting, it is your choice whether to remain anonymous, please know doing so may limit the system's ability to address the matter and assist you. We strongly encourage you to access available resources, such as Sexual Offense Services, St. Paul, MN 651-266-1000; Sexual Violence Center, Minneapolis, MN 612-871-5111; Hennepin County Medical Center (HCNC), 701 Park Avenue, Minneapolis MN, Sexual Assault Resource Service (SARS) 612-873-5353; Regions Hospital, 640 Jackson Street, St. Paul, MN Sexual Offense Services 651-254-3384; and the National Domestic Violence 24-hour Helpline (800-799-7233).</p><p>If you wish to identify yourself, please fill in the information listed below. If the person completing this form is the victim/survivor, you may choose to identify yourself or not. If you are a third party who is not the victim, please indicate the name of the victim and contact information below.</p><p>Date Filed: _____ Date of Alleged Incident: _____</p><p>A. Name: _____</p><p>B. Check One: <input type="checkbox"/> Student <input type="checkbox"/> Employee <input type="checkbox"/> Other _____</p><p>C. Contact Information:</p><p>Phone: _____ Email: _____</p><p>Home Address: _____</p><p>Campus Address: _____</p><p>D. Contact Information of Victim if Not Self-reporting:</p><p>Phone: _____ Email: _____</p><p>Home Address: _____</p><p>Campus Address: _____</p><p>E. NAME OF INDIVIDUAL(S) you believe engaged in violence toward you:</p><p>_____</p><p>F. LIST ANY WITNESSES:</p><p>_____</p></div>	<div><p>Sexual Violence Complaint Form - Page 2</p><p>G. LIST ANY OTHERS WITH KNOWLEDGE OF THE INCIDENT(S):</p><p>_____</p><p>H. DESCRIPTION OF COMPLAINT</p><p>Please list the sequence of events, including dates, if possible, along with any relevant facts, statements and/or evidence currently known to you.</p><p>_____</p></div>
<p>Return to Renée Hogoboom, System Director of Investigations at renee.hogoboom@mnscu.edu or</p> <p>Renée Hogoboom, System Director of Investigations Minnesota State 30 7th Street East, Suite 350 St Paul, MN 55103</p> <p>Minnesota State is an affirmative action, equal opportunity employer and educator.</p>	

E. Minnesota State's Access and Accommodation for Individuals with Disabilities Policy, 1B.4

Part 1. Policy Statement.

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

Part 2. Definitions. An individual with a disability:

Subpart A. An individual with a disability:

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

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

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

Part 3. General Access Policy.

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

Part 4. Availability and Notice.

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

Part 5. Reasonable Accommodations.

Subpart A. Programs, Services, and Activities. Colleges, universities and the system office shall make reasonable accommodations to ensure access to programs, services, and activities as required by law. Access means that a qualified individual with a disability will not be excluded from participation in or be denied the benefits of the programs, services, or activities, nor will the individual be subjected to discrimination. Reasonable accommodations may include modifications to: rules, policies, or practices; the removal of architectural, communication, or transportation barriers; provision of auxiliary aids or the provision of equally effective programs, services, or activities. In accordance with the Americans with Disabilities Act, accommodations will not be provided 1) for personal devices or services even though the individual may be a qualified individual with a disability, or 2) that result in a fundamental alteration in the nature of a service, program, or activity or in undue financial or administrative burdens.

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

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

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

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

Part 7. Process.

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

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

- c. Provide a process for appealing a denial of a request for accommodation.

F. Minnesota State's Reasonable Accommodations in Employment System Procedure, 1B.0.1

Part 1. Purpose. This procedure sets forth the process to be used for responding to requests for reasonable accommodations in employment based on an applicant's or employee's disability. The scope of this procedure is limited to reasonable accommodations, and is not intended to fully describe other provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Part 2. Reasonable Accommodations in Employment. It is the policy of MnSCU to encourage the employment and promotion of any qualified individual including qualified individuals with disabilities. The system office, College or university will not discriminate in providing reasonable accommodations to qualified individuals with a disability in regard to job application procedures, hiring, advancement, discharge, employee compensation, job training or other terms, conditions, and privileges of employment.

Part 3. Definitions. For purposes of this procedure, the following terms have the meaning given them.

Subpart A. Employer: The employer is the system office, College or university.

Subpart B. Essential Functions: Essential functions are the fundamental job duties of the position in question. The term does not include the marginal functions of the position.

1. A job function may be considered essential for any of several reasons, including but not limited to the following:
 - a. The function may be essential because the reason the position exists is to perform that function;
 - b. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
 - c. The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
1. Evidence of whether a particular function is essential includes, but is not limited to:
 - a. The employer's judgment as to which functions are essential;
 - b. Written job descriptions;

- c. The amount of time spent on the job performing the function;
- d. The consequences of not requiring the incumbent to perform the function;
- e. The terms of a collective bargaining agreement;
- f. The work experience of past incumbents in the job; and/or
- g. The current work experience of incumbents in similar jobs.

Subpart C. Individual with a Disability: An individual with a disability for the purposes of determining reasonable accommodations is any applicant, current employee, including student employees, or employees seeking promotion, who has a physical or mental impairment which substantially or materially limits one or more of such individual's major life activities. Generally, a disabling physical or mental condition which is expected to be temporary and from which the individual is expected to recover is not a disability under this procedure.

Subpart D. Qualified Individual with a Disability: A qualified individual with a disability is an individual with a disability who meets the requisite skill, education, experience and other job-related requirements of the job and who, with or without reasonable accommodation, can perform the essential functions of the job.

Subpart E. Reasonable Accommodations: A reasonable accommodation is a modification or adjustment to a job or employment practice or the work environment that enables a qualified individual with a disability to perform the essential functions of the job as identified at the time of the reasonable accommodation request and to access equal employment opportunities. Reasonable accommodations may also include those things which make a facility and its operations readily accessible to and usable by individuals with disabilities. Under the law, the employer has a responsibility to make reasonable accommodations for individuals with a disability only if the disability is known and it is not an undue hardship under Part 6, Subpart C.

Part 4. Identification of Assigned Staff Member. The system office, and each College and university shall assign and identify a staff member responsible for administering requests for reasonable accommodations.

Part 5. Right to Representation. In accordance with applicable collective bargaining agreement language, employees may have the right to request and receive union representation during the reasonable accommodations process.

Part 6. Providing Reasonable Accommodations.

Subpart A. Job Relatedness. Reasonable accommodations will be provided only for job-related needs of individuals with a disability. The primary factor in evaluating an accommodation's job relatedness is whether the accommodation specifically assists the individual to perform the essential functions of the job as identified at the time of the reasonable accommodation request. If the requested accommodation is primarily for the benefit of the individual with a disability to assist that individual in daily personal activities, the employer is not required to provide the accommodation. The appropriate

reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability; it may include the appropriate union representative as provided by the applicable collective bargaining agreement.

Subpart B. Essential Functions. The system office, College or university may deny employment or advancement in employment based on the inability of an individual with a disability to perform the essential functions of the job and may decline to make accommodations to the physical or mental needs of an employee or job applicant with a disability if:

- a. the accommodation would impose an undue hardship on the system office, College or university as provided under Subpart C.; or
- b. the individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or
- c. having the individual in the job would create a direct threat because of a significant risk to the health and safety of the individual or others and the risk cannot be eliminated by reasonable accommodation.

Subpart C. Undue Hardship: In determining whether providing a reasonable accommodation would impose an undue hardship on the employer, the factors to be considered include:

1. The nature and net cost of the accommodation needed;
2. The overall financial resources of the employer involved in the provision of the reasonable accommodation, the number of persons employed, and the effect on expenses and resources;
3. The overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type and location of its facilities;
4. The type of operation or operations of the employer, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the employer in question to the covered entity; and
5. The impact of the accommodation upon the operation of the employer, including the impact on the ability of other employees to perform their duties and the impact on the employer's ability to conduct business.

Subpart D. Documentation. Documentation of a disability is required as part of the reasonable accommodation process unless the nature and extent of the disability is already known to the employer, or as a practical matter, the requested accommodation is minimal and the employer makes modifications for its convenience, regardless of whether the employee or applicant meets the requirements for a reasonable accommodation under this procedure.

Subpart E. Choice of Accommodations. The employer is not required to provide the specific accommodation requested by the individual and may choose an effective accommodation which is less expensive or easier to provide. Accommodations provided to the individual are the financial responsibility of the employer.


Subpart F. Request Process. The system office, colleges and universities are responsible for establishing a process for individuals with disabilities to make requests for reasonable accommodations in compliance with the Americans with Disabilities Act or the Minnesota Human Rights Act. Such process should include the following:

1. MnSCU policy statement and definitions;
2. Assignment and identification of a staff member responsible for administering requests for reasonable accommodations;
3. Provide a process for appealing a reasonable accommodations decision.

Part 7. Application. Nothing in this procedure is intended to expand, diminish or alter the provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Request for Reasonable Accommodation Form [Employee-Request-for-Reasonable-Accommodation.pdf \(clcmn.edu\)](#)

Commented [AD8]: If you have the electronic link, please add.

 <p style="text-align: center;">State of Minnesota – (Agency Name) Employee/Applicant Request for ADA Reasonable Accommodation Form</p> <p><small>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.</small></p> <p>Employee Name: _____ Job Title: _____</p> <p>Work Location: _____</p> <p><small>Data Privacy Statement: This information may be used by your agency Human Resources representative, ADA coordinator/designee, your agency legal counsel or any other person 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 reasonable accommodation.</small></p> <p>Questions to clarify accommodation requested.</p> <ol style="list-style-type: none"> 1. What specific accommodation are you requesting? 2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore. <ol style="list-style-type: none"> a. If yes, please explain. <p><small>Questions to document the reason for the accommodation request. (Please attach additional pages as necessary).</small></p> <ol style="list-style-type: none"> 1. What, if any job function are you having difficulty performing? 2. What, if any employment benefit are you having difficulty accessing? 	<p style="text-align: center;">State of Minnesota – (Agency Name) Reasonable Accommodation Request Form, Page 2</p> <ol style="list-style-type: none"> 3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit? 4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job? <p>Information Pertaining to Medical Documentation</p> <p><small>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.</small></p> <p><small>The ADA Coordinator/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.</small></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><small>Genetic Information Nondiscrimination Act of 2008 Disclosure: This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic information" includes: information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.</small></p> </div> <p>Employee Signature: _____ Date: _____</p>
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G. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Central Lakes College will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Central Lakes College does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: Central Lakes College will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Central Lakes College programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Central Lakes College will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Central Lakes College offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Central Lakes College, should contact the office of

- Kristi Lane, Human Resources Director, Kristi.lane@clcmn.edu or by calling 218-855-8054
- Mary Sam, Dean of Students, Diversity, Equity and Inclusion, mary.sam@clcmn.edu or by calling 218-855-8159
- Malory Sheik, Accessibility Services Coordinator, malory.scheik@clcmn.edu or by calling 218-855-8143

as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Central Lakes College to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Central Lakes College is not accessible to persons with disabilities should be directed to Mary Sam, ADA Compliance Officer, mary.sam@clcmn.edu or 218-855-8159.

Central Lakes College will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

H. Central Lakes College Grievance Procedure Under Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Central Lakes College. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Mary Sam, Dean of Students, Diversity, Equity and Inclusion/ADA Compliance Officer

Central Lakes College ADA Compliance Officer

501 West College Drive, Brainerd, MN 56401

Within 15 calendar days after receipt of the complaint, Mary Sam or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication, Mary Sam or her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Central Lakes College and offer options for substantive resolution of the complaint.

If the response by Mary Sam or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the College President or her designee.

Within 15 calendar days after receipt of the appeal, the College President or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the College President or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Mary Sam or her designee, appeals to the College President or her designee, and responses from these two offices will be retained by the College for at least three years.

I. Americans with Disabilities Act ("ADA") Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

A Form is available at: <https://mn.gov/mmb/employee-relations/equal-opportunity/ada/>

<p>mn MINNESOTA</p> <p>_____(Agency) Americans with Disabilities Act ("ADA") Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form</p> <p>The _____ (Agency) is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.</p> <p>General Information</p> <p>Date of Request: _____</p> <p>Person needing accommodation/modification</p> <p>Name: _____</p> <p>Address: _____</p> <p>Email: _____ Phone: _____</p> <p>Person making request (if different from person needing accommodation/modification)</p> <p>Name: _____</p> <p>Email: _____ Phone: _____</p> <p>Relationship to person needing accommodation/modification: _____</p> <p>Accommodation Information</p> <p>Date accommodation/modification is needed: _____</p> <p>Address and/or room of accommodation/modification: _____</p> <p>Type of accommodation/modification requested (please be specific): _____ _____</p> <p>How would you like to be notified of the status of your request? <input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): _____</p> <p>If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: _____</p> <p><small>Updated 06/21/2019</small></p>	<p>All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.</p> <p><input type="checkbox"/> Check this box to sign this request form electronically: By checking this box, I agree my electronic signature is the legal equivalent of my signature.</p> <p>Signature of Requestor: _____ Date: _____</p> <p>OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION</p> <p>Date request received: _____</p> <p>The request for accommodation/modification is GRANTED. Below is a description of the accommodation/modification: _____ _____</p> <p>The request for accommodation/modification is DENIED because:</p> <p><input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.</p> <p><input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the agency; and/or</p> <p><input type="checkbox"/> The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.</p> <p>Requester notified on: (date) _____ via: _____</p> <p>Additional notes: _____ _____</p> <p>ADA Coordinator:</p> <p>Name: _____</p> <p>Signature: _____ Date: _____</p> <p><small>Updated 06/21/2019</small></p>
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Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of the Central Lakes College emergency evacuation plan can be found at <http://www.clcmn.edu/human-resources/> under the Affirmative Action Plan and Accessibility (formerly Disability Services (for students and community) at <http://www.clcmn.edu/disability-services/>.

Central Lakes College asks everyone's help if or when a building needs to be evacuated. Students, faculty or staff on the Brainerd Campus who anticipate they could have a problem should alert the Vice Presidents about their needs. Students, faculty or staff on the Staples Campus who anticipate they could have a problem in evacuation situations should alert the Dean of the Staples Campus about their needs.

In case of a fire or building evacuation, the Brainerd/Staples Fire Department will be responsible for evacuating people within the buildings. Faculty and staff are reminded and are asked to remind students that in the event of an emergency building evacuation, anyone having a disability that prohibits them from moving down the stairwells, should move to the nearest stairwell landing, where the Brainerd/Staples Fire Department or college personnel can provide for their evacuation. The Fire Departments will be notified of their location. When students notify Accessibility Services of a mobility impairment, an individualized evacuation plan will be put in place and evacuation team will be designated and notified of their responsibilities on behalf of the student.

Emergency evacuation procedures are also posted in the college classrooms. The Director of Human Resources or designee will be responsible for notification of evacuation for employees who are hearing or visually impaired. Administration housed on the institution's second floor will be responsible for assisting individuals who appear to be in need of assistance down stairwells. Administrators/plant maintenance staff will be responsible for notifying the Fire Department of those in need of assistance and their locations.

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

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Accessibility Services Coordinator will work with students to develop a personal emergency evacuation plan. The Employees will work with the Director of Security to establish a personal emergency evacuation plan.

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

For more information on evacuation procedures please contact:

Kristi Lane, Director of Resources/Affirmative Action Officer, 218-855-8054, Kristi.lane@clcmn.edu

Mary Sam, Dean of Students, ADA Compliance Officer, 218-855-8159, mary.sam@clcmn.edu

Mallori Sheik, Accessibility Services Coordinator, 218-855-8175, malory.sheik@lclcmn.edu

Joy Larson, Director of Security, 218-855-8143, joy.larson@lclcmn.edu

Evacuation Options:

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

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire-resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately or 9-911 from a campus phone 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:** Anyone having a disability that prohibits them from moving down the stairwells, should move to the nearest stairwell landings where the Brainerd/Staples Fire Department or college personnel can provide assistance for their evacuation. At the Brainerd campus, an emergency evacuation chair is located on the second floor in the stairwell leading to Door 25 exit (West end of campus). At the Staples campus, an emergency evacuation chair is located on the second floor, adjacent to the Business Office/Dean's Office.

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 buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals 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 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. CLC employees 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.

Appendix

Refer to the AAP Appendix 2020-2022.

Definitions of Terms Used in This Affirmative Action Plan

Applicant: "Applicant" means a person who has satisfied the minimum requirements for application established by the commissioner of management and budget (M.S. 43A.02, subd. 4).

Availability: an estimated percentage of qualified females, racial/minorities, or individuals with disabilities in the relevant labor market who are available for positions in a given job category at a Minnesota State College. The final availability is determined by considering two factors: the statistics from the outside labor market and the internal Minnesota State College workforce for the Affirmative Action Plan year.

Feeder job: staffed positions within the College that can be promoted and/or transferred into other EEO job categories.

Hiring goal: a numerical objective designed to correct an identified deficiency in the utilization of protected group members. For example, the professional job category has identified underutilization and the availability is 30%, the goal (or hiring goal) for females in the job category is for 30% of the new hires/rehires and promotions for that Affirmative Action Plan year would be females. Goals/hiring goals should never be implemented as quotas, nor should they be used as criteria in decision-making regarding qualifications.

Job category: a group of jobs that are linked by a common purpose and skill set (or sometimes certificates/educational degrees) and are grounded on the job categories identified by the U.S. Equal Employment Opportunity Commission (EEOC).

Labor market area: a geographic area in which a College is seeking a worker in a particular goal unit and where there is an available supply of workers employed or seeking jobs in that goal unit.

Missed Opportunities: This term is used as part of the State of Minnesota's Monitoring the Hiring Process. College's complete a form to monitor appointments when there is an underutilization of protected group members, as described in [M.S. 43A.191, Subd. 3\(c\)](#) and Minn. Rules 3905.0600.

Protected groups: females, persons with disabilities, and members of the following minorities: Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native ([M.S. 43A.02, subd. 33](#)).

Snapshot: one particular point in time. A snapshot of a workforce is taken at one particular point in time as the basis for Affirmative Action Plan analyses because the workforce numbers are always fluctuating.

Supported Work Program: The state legislature established the program in 1987 to expand employment opportunities for people with significant disabilities. but has been expanded to include individuals who experience other significant disabilities, including, but not limited to, head injury, mental illness, and deaf blindness. Under the program, a supported worker must require ongoing support and may share a single position with up to two other supported work employees.

Underutilization: the representation of females, racial/ethnic minorities, or individuals with disabilities in a specific job category is less than reasonably would be expected given from workforce participation in the labor market area.